
January 25, 2006

1 Los Angeles, California, Wednesday, January 25, 2006

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4 CHAIRMAN MODUGNO: Please take your seats, and
5 we'll reconvene the meeting. Everyone, please take a
6 seat and cease conversation, and we'll now hear the
7 staff report from Dr. Fricano. And again this is Case
8 Number 7, Zoning Permit Project Number R2005-00234 in
9 the 4th District, Coastal Development Permit, parking,
10 and a variance. Dr. Fricano.

11 DR. FRICANO: Mr. Chairman, members of the
12 commission, this is a hearing on Project R2005-00234,
13 Coastal Development Permit No. 2005-00002, Parking
14 Permit Number 2005-00004, and Variance Number
15 2005-00004. And for the record again, I'm Russell
16 Fricano of the zoning permits two section.

17 The proposed project is a request to authorize
18 the demolition of an existing 202-unit apartment complex
19 and the subsequent construction of a 544-unit apartment
20 in the residential five category of the Marina del Rey
21 Specific Plan. The request consists of, first, a
22 coastal development permit for the demolition of the
23 existing apartment building and replacing it with the
24 proposed 544-unit apartment, a variance for the
25 installation of sign area size requirements in excess of

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1 Los Angeles County Code. And I wish to note that
2 contrary to the agenda language this morning that the
3 variance is strictly for signage. It is not for height.
4 We also -- the applicant is also requesting a parking
5 permit for the provision of compact parking for a
6 portion of the on-site parking. The applicant is also
7 requesting the paying of affordable housing in lieu fee
8 instead of providing the requisite affordable housing
9 units for the proposed apartment. Affordable housing
10 requirements are 10 percent of the number of units.

11 The subject property is located at 4201 Via
12 Marina in Marina del Rey, consisting of parcels 100 and
13 101. The project site is bounded by Via Marina to the
14 east, Dell Avenue to the west, Marquesas Way to the
15 south, and the property is also located in the Playa del
16 Rey zoned district.

17 The subject property is zoned specific plan
18 within the Marina del Rey Local Coastal Plan, and this
19 corresponds to the designation of residential five. And
20 I'm briefly going to approach the maps again.

21 And as I stated earlier, the zoning on the
22 subject property is Specific Plan which corresponds to
23 the residential five category. To the east is
24 residential four. To the west is the city of
25 Los Angeles. Looking at the land-use map, there is an

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1 existing apartment building on the subject property and
2 multifamily to the north. To the west there's Dell
3 Avenue, and there is also a series of storage structures

4 along the westerly site which the applicant uses for
5 rental purposes for the tenants, and further to the
6 south is a condominium project and a mixture of
7 single-family and condominium use. To the east is
8 additional multifamily use. There's an abandoned
9 restaurant on the corner of Panay Way and Via Maria --
10 Via Marina -- excuse me. Further north there is a
11 parking lot and further north of that is the restaurant,
12 the Cheesecake Factory, and there's also a market and
13 other commercial use.

14 Turning to the site plan, the site plan depicts
15 the proposed -- the apartment building consists of 12
16 buildings on the site takes its main access where it
17 does now near the -- across from the intersection of Via
18 Marina and Panay Way. And there is access proposed for
19 the tenants for subterranean parking located on the
20 southwesterly and northwesterly side of the parcel on
21 three different points. There's two levels of
22 subterranean parking proposed. There is landscaping
23 proposed throughout the site, and there is also a
24 central courtyard area indicated on the site plan. I
25 also have put up some elevations of the site, the

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1 five-story apartment building, and showing the various
2 elevations of 73 feet on this side of the property and
3 64 feet on the other.

4 The Marina del Rey local Coastal Program
5 provides development guidelines for the site as well,
6 and the subject property is designated as residential

7 five which permits high-density, multifamily,
8 residential development up to 75 dwelling units per
9 acre, and the height limit is 225 feet. The proposal is
10 consistent with this definition. The subject property
11 is also located within the Via Marina development zone.

12 I'd like to summarize the analysis based upon
13 each type of entitlement, and we'll start with the
14 coastal development permit. The Marina del Rey Specific
15 Plan provides development specific standards for new
16 development and, first of all, the permitted uses which
17 I just discussed -- multifamily dwellings no more than
18 75 dwellings per acre which is permissible in this
19 category.

20 Another section of the LCP specifies standards
21 for all uses in the residential five category. Building
22 height is limited to a maximum of 225 feet, and the
23 proposed apartment is 75 feet in height. Dwelling-unit
24 density shall not exceed 75 units per acre, and the
25 project proposes 544 units on 8.31 acres, which amounts

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1 to 65 units per acre, which complies. The front- and
2 rear-yard setbacks shall be a minimum of 10 feet in
3 addition to required highway and promenade setback.

4 I wish to note at this point that one testifier
5 has expressed concern about the narrowness of the
6 sidewalk in the frontage of the property, and Public
7 Works is researching this issue.

8 Landscaping -- according to the Marina del Rey
9 Specific Plan, landscaping shall be provided to prevent

10 erosion. The applicant has provided sufficient
11 landscaping within the central courtyard and site along
12 the boundaries and edges. Dell Avenue, which is on the
13 westerly side, is actually more of a service street and
14 so on. Landscaping in this sense wouldn't be as
15 beneficial in that area.

16 County Code specifies lot coverage not to
17 exceed 90 percent of net area, and there is a minimum of
18 10 percent of net area required for landscaping, and we
19 found that the lot coverage complies.

20 I'd like to briefly summarize its compliance
21 with the filing requirements. First for the protection
22 and enhancement of shoreline access and use, this
23 requirement is intended for shoreline development
24 located between the shore and the first public road to
25 ensure that visitors have adequate visual shoreline

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1 access. As this project is located westerly of Via
2 Marina, this requirement is not applicable.

3 A wind study was conducted by Rowan, Williams,
4 Davies, and Irwin (phonetic) dated March 30th, 2005, and
5 the analysis concluded that the proposed project would
6 not significantly affect wind conditions in Marina del
7 Rey.

8 For avoidance and mitigations of geologic
9 geotechnical hazards, the Draft Environmental Impact
10 Report analyzed potential impacts from the geologic
11 geotechnical hazards, and these were determined to be
12 less than significant.

13 An apartment building has already been -- for
14 protection of cultural heritage, the apartment building
15 has already been established on-site, and the initial
16 study did not indicate potential cultural impacts.

17 The avoidance and mitigation of flood-control
18 hazards -- hydrology impacts were analyzed in the Draft
19 Environmental Impact Report, and mitigation measures
20 include best management practices, and with mitigation,
21 the project impacts were noted as less than significant.

22 For protection of gas company facilities --
23 based upon environmental review or consultation, the
24 project does not pose any impact to gas company
25 facilities.

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1 For compliance with development phasing plan --
2 the project will generate a net increase of 342 units,
3 and Section 22461910 of the Marina Specific Plan
4 allocates 530 dwelling units to the Via Marina
5 Development Zone or Zone 12. According to estimates
6 conducted by the Department of Public Works, no
7 increases in dwelling units occurred in Zone 12 since
8 the certification of the Marina del Rey Local Coastal
9 Program, and I have attached Public Works's analysis to
10 your package.

11 Considering direct traffic mitigation, the
12 Draft Environmental Impact Report recommended traffic
13 mitigation fees which could go toward specific
14 improvements in the marina such as the widening of
15 Lincoln Boulevard and additional northbound right turn

16 only lane on Mindenow. And we have a representative of
17 Department of Public Works Traffic and Lighting Division
18 here to answer any questions you may have.

19 Mitigation of cumulative impacts of the
20 subregional traffic system -- the Draft Environmental
21 Impact Report also recommended the applicant pay a
22 traffic-mitigation fee that funds cumulative impacts.

23 A parking permit is requested for the provision
24 of compact parking for a portion of the on-site parking,
25 and according to the applicant, the request is needed to

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1 maximize on-site parking and to provide more space for
2 landscaping. So according to county code, the parking
3 spaces for apartments shall be a standard size unless
4 they are allowed through a parking permit. That is why
5 the applicant has filed this parking permit, and 367
6 parking spaces are proposed.

7 At this point I'd like to clarify that required
8 parking is based upon the number of one-bedroom and
9 two-bedroom units. Staff based its parking analysis on
10 information provided in the Draft EIR and the
11 applicant's materials. Since then, without increasing
12 the total number of units, the applicant has revised the
13 proportion of one-bedroom and two-bedroom units, so the
14 applicant is currently proposing 273 one-bedroom units
15 and 271 two-bedroom units. And I have provided a table
16 to you this morning where you can take a look at the
17 comparison and how the parking changed. The amounts --
18 this amounts to required parking of a total of 1,088

19 parking spaces, which includes the guest parking. The
20 applicant has also increased the proportion of compact
21 spaces to 367, and this comprises 33 percent of the
22 total parking. County code permits no more than
23 40 percent of total parking. To fulfill the
24 requirements of county code, the applicant has to
25 substantiate that the proposed apartments have a

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1 parking-management program to ensure the efficient
2 distribution of spaces.

3 The next item I'd like to talk about is the
4 variance. The applicant has requested a variance for
5 the construction and maintenance of signage in excess of
6 Los Angeles County Code. The Marina del Rey Specific
7 Plan requires that signs shall be detailed as possible
8 without becoming unreadable, and the design control
9 board regulates signage through its revised permit and
10 sign controls and regulations. The subject signage was
11 reviewed by the design control board. The design of the
12 sign is readable, but if the signage is proposed to
13 correspond to signage of other developments in Marina
14 del Rey, the applicant must provide examples of
15 comparable signage in the area in terms of sign area and
16 location, and he's going to do that this morning. Staff
17 also questions why so much signage is concentrated on
18 the northeasterly portion of the site. This appears
19 excessive. Further simulations are needed to depict the
20 appearance of signage on building elevations and other
21 portions of the property, and the applicant has some

22 material for that this morning as well.

23 Now I'd like to discuss the in-lieu fee
24 request. In 1981 the California legislature enacted
25 Section 65590, also known as the Mello Act, and the

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1 purpose of the Mello Act was to preserve residential
2 units occupied by low- or moderate-income residents
3 within the coastal zone. And this Act requires that 10
4 percent of the units and new development be reserved for
5 low-income residents. In 2002 the Board of Supervisors
6 adopted a policy that implemented Mello Act requirements
7 unless the developer could prove that the provision of
8 affordable units of the site would make the project
9 infeasible, and there was no means for the county to
10 make economic concessions to accommodate the affordable
11 units on-site. A review of the request is a three-step
12 process where there is first an analysis provided to
13 determine if the provision of affordable units under the
14 Mello Act is feasible. If the analysis concludes
15 provisions of affordable housing is economically
16 infeasible for the developer, the analysis next
17 evaluates whether the county, in its role as the
18 landowner in Marina del Rey, can provide viable economic
19 concessions to accommodate affordable units. If the
20 provisions of on-site affordable housing is not
21 considered feasible for the developer or the county, the
22 developer would pay an in-lieu fee of \$7.11 per net
23 rentable square foot of development for each unit.

24 The applicant submitted a letter dated

25 November 17th, 2005, to the Department of Regional

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1 Planning, Beaches and Harbors, and the Community
2 Development Commission. This letter presented a formal
3 request to pay an in-lieu fee in concert with the
4 county's policy. The letter provided analysis to
5 support the infeasibility of providing 10 percent of
6 affordable units and problems associated with a range of
7 alternatives.

8 The applicant's request and analysis was
9 reviewed by Kaiser Marston Associates (phonetic) and
10 Allen B. Cotten and Associates (phonetic), consultants
11 held on retainer by Department of Beaches and Harbors.
12 In the memorandum dated January 3rd, 2006, the
13 consultants presented a financial analysis of the return
14 on development cost including affordable units. The
15 report next analyzed alternative incentives. The report
16 also noted that there was little or no vacant
17 undeveloped land available for redevelopment to
18 multifamily use within three miles of the coastal zone.
19 The analysis concurred with the applicant's conclusions
20 that the provision of 10 percent of affordable units or
21 the implementation of other incentives would render the
22 project infeasible. In a letter dated January 18th,
23 2006, the Department of Regional Planning, Beaches and
24 Harbors, and Community Development Commission
25 recommended approval to the Regional Planning Commission

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1 of the application requesting payment of the in-lieu
2 fee.

3 Under the California Environmental Quality Act
4 guidelines a Draft Environmental Impact Report was
5 prepared to evaluate the potential impact associated
6 with the project, and the Draft Environmental Impact
7 Report dated September 2005 identified five potential
8 impacts -- aesthetics, air quality, geotechnical soil
9 resources, environmental safety, hydrology and water
10 quality, noise, traffic access, water service, sewer
11 service, solid-waste disposal. And I'm going to briefly
12 summarize each issue.

13 Considering aesthetics, the height of the
14 proposed apartment structures are out of character with
15 the existing development located to the south. However,
16 the proposed structures also comply with height
17 requirements of the Marina del Rey Specific Plan. In
18 addition, a taller apartment building is also located
19 northerly of the sight. I believe it's 13 stories tall,
20 and this exceeds the height of the subject apartments by
21 several stories, and the EIR also notes that the project
22 was reviewed and approved by the design control board.
23 So the determination was no significant impacts.

24 Regarding air quality, the Draft EIR noted
25 air-quality impacts generated by emissions from

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1 demolitions, construction, and project operation, and

2 the recommended mitigation includes the rerouting of
3 vehicles and the reduction of construction-related
4 trips. It was determined that air-quality impacts
5 related to construction were significant and unavoidable
6 for a temporary period of time.

7 The project can potentially encounter
8 geotechnical impacts that occur throughout the marina
9 which is ground shaking and liquefaction, and Marina del
10 Rey is also located within a tsunami inundation zone.
11 The EIR lists mitigations that control erosion and
12 drainage. Determination here was less than significant.

13 Regarding hydrology and water quality, the
14 project is subject to erosion, sedimentation, and
15 water-quality impacts, and the project will be required
16 to follow Federal Clean Water Act guidelines, and the
17 applicant is going to install bio swales that would
18 filter the runoff before it enters the drainage system,
19 which is part of the best management practices. Also
20 included are materials storage and spill-prevention
21 procedures, so the determination was less than
22 significant.

23 Regarding noise impacts, they would be
24 generated on the adjacent area primarily by the
25 construction activity, and some noise impacts may be

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1 related to project operation as a consequence of
2 increased traffic trips that will add to the degree of
3 construction noise. And mitigation measures included
4 the scheduling of construction-related activities,

5 noticing, and the use of maintenance practices that
6 reduce potential noise, so noise impacts were
7 construction-related and vibration-related, and they
8 were noted as unavoidable and significant.

9 The project is also estimated to generate a net
10 increase of 57,058 gallons of wastewater per day, and
11 the Draft EIR determined the existing treatment
12 facilities could accommodate this flow. The applicant
13 will be requested to pay connection fee and provide a
14 will-serve letter. So the determination of no
15 significant impact for wastewater treatment facilities
16 and less than significant impacts for wastewater
17 collection system. And I want to note that there was
18 also some public comment submitted this morning
19 regarding this issue which I distributed to you this
20 morning. Considering solid-waste disposal, solid-waste
21 impacts would occur from generation of debris and
22 demolition and construction operations and later from
23 project operations. While existing landfill capacity
24 was determined adequate to serve the population, no
25 landfill sites have been approved, or further

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1 solid-waste alternatives were developed. Solid-waste
2 activities could reach capacity by 2017. So the
3 determination was unavoidable and significant impacts
4 beyond the year of 2017 if there were no new facilities
5 provided by that time.

6 For traffic and access, the project would
7 generate approximately 1,364 net new trips per year, and

8 prior to mitigation the project would generate a
9 significant traffic impact to the intersection of
10 Lincoln Boulevard and Mindenow Way. The Draft EIR
11 recommended widening of Lincoln Boulevard and addition
12 of northbound right turn lane at Mindenow, should the
13 applicant pay the traffic mitigation fees.
14 Determination here was less than significant.

15 Water service -- the Draft EIR estimated the
16 project would generate a net increase in water
17 consumption of 66,187 gallons per day, and entitlements
18 have already been secured for water delivery, so there
19 were no significant impacts to the water distribution
20 system anticipated.

21 Air quality, noise, and solid waste were all
22 noted as unavoidable and significant, and most
23 significant impacts are of a temporary nature. And it's
24 important to note that additional mitigation measures
25 can be developed, and some additional conditions can be

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1 incorporated into the conditional use permit as well to
2 address these issues.

3 At the time of the staff report, staff received
4 17 letters in opposition to the request, and since then
5 staff received eight additional letters and one phone
6 call in opposition. These letters were distributed to
7 you this morning. These letters expressed concerns
8 regarding height, visual impacts, excessive density,
9 increased traffic congestion, noise, impact on local
10 character, and adequate parking, impact on local schools

11 and hospitals, potential overcrowding of the proposed
12 units, narrowness of existing and proposed sidewalks,
13 the adequacy of the environmental document, and
14 objections to the in-lieu fee request. Most opposition
15 letters were addressed on Via Dulce which is south --
16 southwesterly of the subject property past Dell Avenue.
17 One additional letter was provided on sewer, which I
18 just mentioned to you. Staff also notes that the
19 applicant has sent a letter to the board of directors of
20 the Strand Development which is directly to the west of
21 subject property along Via Dulce, and I have distributed
22 the letter to you this morning. Staff received comments
23 from the City of Culver City in a letter dated
24 January 18th, 2006, and the letter questioned certain
25 sections of visual and traffic analysis, requested

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1 better specificity of road improvements, and recommended
2 the adoption of a statement of overriding
3 considerations. Staff also distributed to the
4 commission a letter from Traffic and Lighting Division
5 of Public Works which provides a brief analysis of
6 traffic improvements.

7 Staff notes that the proposed project complies
8 with development requirements of the Marina del Rey Land
9 Use Plan and Specific Plan. Proposed density is well
10 within the capacity being set by the LCP, and a
11 structure several times higher than the proposed
12 apartment has already been established northerly of the
13 site.

14 The request for the in-lieu fee was analyzed,
 15 and the Department of Regional Planning, Beaches and
 16 Harbors, and CDC recommend the fee for approval. The
 17 Draft EIR also lists most impacts below the threshold of
 18 significance and provides mitigation measures, and the
 19 significance of impacts are generally of a temporary
 20 nature. Staff notes, however, that additional
 21 information is needed regarding the issue of parking
 22 management program and other things related to the
 23 parking permit. A variance requires a more stringent
 24 burden of proof, and we -- the applicant must provide
 25 further and more detailed evidence why a greater

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1 proportion of signage is necessary, especially
 2 concerning the concerns expressed by visual impacts.
 3 plans for existing tenants with relocation,
 4 provision of on-site security, and protocol for
 5 responding to complaints of neighbors should also be
 6 presented.

7 Staff recommends that the commission hear
 8 testimony, consider whether the project mitigation
 9 program and recommended conditions sufficiently address
 10 the potential impacts of the project, and if the
 11 commission determines that additional time is needed to
 12 address issues raised in this public hearing this
 13 morning, then staff recommends a continuance. If it
 14 finds, based upon the evidence it hears this morning,
 15 that the burden of proof has been met, then staff had
 16 recommended approval. That concludes my presentation.

17 CHAIRMAN MODUGNO: Thank you for a very
18 extensive staff report. Any questions of Dr. Fricano?
19 Commissioner Rew.
20 COMMISSIONER REW: Yeah, Dr. Fricano, first on
21 page 8016 of the staff analysis, is that just
22 mislettering down at the bottom that goes from capital B
23 to capital D. Was there a capital C, or is that just
24 ...
25 DR. FRICANO: One moment. Are you referring to 18

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1 the parking permit burden of proof?
2 COMMISSIONER REW: Yes.
3 DR. FRICANO: Yeah, the reason why it's shown
4 in that format, Commissioner, is that for a parking
5 permit, there is a wide variety of different types of
6 parking permit requests, and I only provided that
7 portion of the burden of proof that was applicable to
8 this project. You will find in the parking permit
9 burden of proof other provisions that need to be met
10 that don't apply to this project, so that was why it was
11 shown in that format.
12 COMMISSIONER REW: I thought I read somewhere
13 in the staff report that there were -- the first two
14 floors would be for parking, one of which was
15 subterranean. When you came to that, you said they both
16 would be subterranean.
17 DR. FRICANO: Actually you are correct. There
18 would be -- one would be subterranean, but the structure
19 is five stories in height above grade.

20 COMMISSIONER REW: On page 3 of 16 of the staff
21 analysis, the site plan, 12 buildings, 75 feet in
22 height, five stories of apartments over two levels of
23 parking, and other architectural features extend
24 approximately 25 feet above the roof line. Is the
25 25 feet included in the 75?

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1 DR. FRICANO: That's beyond the roof line.

2 COMMISSIONER REW: Now, so with the
3 architectural features, the height would be a hundred
4 feet?

5 DR. FRICANO: I -- I don't have an elevation
6 that shows in detail the architectural features. The
7 applicant would have that information. I suggest we
8 hold off and wait for the applicant to present that.

9 COMMISSIONER REW: Thank you.

10 CHAIRMAN MODUGNO: Other questions?

11 COMMISSIONER VALADEZ: Just one brief question,
12 Dr. Fricano. Did you -- did I hear correctly that there
13 is another project north of this project which is two
14 stories taller than this one which is a seven-story
15 project?

16 DR. FRICANO: Actually, I believe it's 13
17 stories.

18 COMMISSIONER VALADEZ: Thirteen stories. So
19 the issue of height of the project or the potential to
20 build the project down five stories is consistent with
21 the plan and would not be inconsistent with the marina
22 community?

23 DR. FRICANO: That's correct because there's a
24 much higher height limit in the plan, and as I said, the
25 building north of the project is at 13 stories, so that

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1 has been established in that area.

2 COMMISSIONER VALADEZ: So the addition of
3 additional units, let's say 100 units or 200 units, to
4 this project would not have been an issue with respect
5 to the plan?

6 DR. FRICANO: As long as it meets the capacity
7 set in the Marina del Rey Development Zone. There is a
8 cap set in that zone. As it stands now, the net
9 increase in the units proposed is well below that
10 threshold.

11 COMMISSIONER VALADEZ: So it wouldn't have been
12 an issue to add an additional couple of hundred units to
13 the project --

14 DR. FRICANO: As long as it meets that --

15 COMMISSIONER VALADEZ: -- with regard to the
16 plan?

17 DR. FRICANO: Just speaking in a general term,
18 probably not.

19 COMMISSIONER VALADEZ: With respect to the
20 height, there wouldn't be an issue with that either.

21 DR. FRICANO: Not to the height because they
22 can build higher than what they are proposing.

23 COMMISSIONER VALADEZ: Then potentially the
24 only issues would have been environmental issues having
25 to do with traffic or other issues like that?

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1 DR. FRICANO: That's correct.

2 COMMISSIONER VALADEZ: Okay. Thank you.

3 CHAIRMAN MODUGNO: Before we go too much
4 further, was there any ex parte communications this
5 morning? (No response.) Did you have a --

6 MR. HAFETZ: I just wanted to make one
7 clarifying point in the staff report about the staff
8 presentation. There was a mention about the Mello Act.
9 I just wanted to clarify for the commission, the Mello
10 Act does not, in fact, have a percentage required for
11 low-income housing. The county policy does, in fact,
12 have a 10 percent requirement where feasible, but the
13 Mello Act itself does not have an appropriate
14 percentage.

15 CHAIRMAN MODUGNO: Thank you. Other questions?

16 Dr. Fricano, I've got a couple. Commissioner
17 Valadez was hitting on one of them in terms of this
18 could have been a much more dense project. It could
19 have gone up to 75 units per acre. It certainly could
20 have gone higher.

21 DR. FRICANO: Yes, that's correct.

22 CHAIRMAN MODUGNO: Was there any exploration
23 with the application in the process of this permit or
24 this proposal for any mixed use on the facility? This
25 commission has discussed and encouraged that in other

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1 similar projects where there is an opportunity for job
2 creation, shopping opportunities, child care, et cetera,
3 with higher density residential.

4 DR. FRICANO: This was not formally discussed.
5 I think it would be a good question to direct to the
6 applicant when he provides his testimony.

7 CHAIRMAN MODUGNO: On the issue of the current
8 housing, the apartment which is there now -- are any of
9 those units presently designated as affordable where
10 there's rent accommodations to people?

11 DR. FRICANO: I don't have that information on
12 hand. I don't believe so. We do have a representative
13 from CDC here this morning who can perhaps respond to
14 your question.

15 CHAIRMAN MODUGNO: And lastly -- and it has to
16 do with the parking -- we've lived through the era of
17 big cars, small cars, big cars, and mega cars also known
18 as sport utility vehicles and attack vehicles and
19 whatever else you want to call them. Have we taken any
20 inventory of similar projects in the marina to see the
21 trend of the people who live in the marina in terms of
22 the types of vehicles that they currently own in rents
23 that would be sort of along similar ranges of this
24 project, one-, two-bedroom-unit-type things because to
25 just arbitrarily state that we're going to put so many

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1 compact spaces to meet a parking accommodation quite
2 frankly defies my sense of reality because I can't tell
3 you how many places I go and see compact spaces and

4 people trying to squeeze their SUV into it, or I'm
5 parking someplace and somebody comes in with some mega
6 vehicle next to me. Yes, gas prices are high, and maybe
7 trends will change. But we live with these parking
8 spaces for generations, and yet short-term purchasing
9 changes over time. And we either go longer or shorter,
10 the sides change, et cetera. So I guess what I really
11 would want to see is something more to convince me that
12 the compact spaces are appropriate for this location.

13 DR. FRICANO: I'd like to say that a few years
14 ago when I was talking to some officials of Beaches and
15 Harbors, they were in the process of doing a study of
16 parking in the marina in a more general level. I'm not
17 sure if they took that issue into account, but I can
18 check with that department to see if, indeed, there was
19 a study done on compact parking.

20 CHAIRMAN MODUGNO: Okay. In an earlier project
21 we had -- I made some statements regarding trying to
22 separate affordability in terms of costs of car
23 ownership and the providing of parking that's free that
24 goes with the unit. Now, while this one is going to be
25 market rent, it doesn't have the same sort of, I guess,

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1 feature that I was searching for in terms of trying to
2 keep rents down by bifurcating renting your parking
3 space from renting your apartment. Because certainly we
4 load in the cost of car ownership, and if 3 or \$400 a
5 month is attributed to having to pay for what that
6 underground parking space costs as part of that

7 construction, you lay on top of that lease or interest
8 payments you're making on a car loan or payments on that
9 car loan plus maintenance, gasoline, insurance, et
10 cetera, you get a real factor.

11 And sometimes we're subsidizing and creating
12 the very problem that we have in Southern California.
13 It's too many vehicles and not utilization of public
14 transportation in areas where there is a concentration
15 of jobs, public transportation, shopping, et cetera.
16 And with the proximity to the airport and a lot of
17 people who work for the airlines who are based
18 technically in Los Angeles who may reside elsewhere, may
19 or may not have a car, and so there may be those people
20 who would want to rent an apartment in the marina and
21 don't have a car and take advantage of public
22 transportation.

23 So I know that's sort of getting off track
24 because we have parking standards and parking
25 regulations for the area that we're applying to, but

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1 we're not looking creatively in terms of doing something
2 terribly different here. It's just a piece that sits on
3 my mind.

4 DR. FRICANO: I also wish to add, you know,
5 that a number of types of development offer
6 transportation demand management approaches, van
7 pooling, and different sorts of programs that address
8 those issues. That's open to your consideration as well
9 for this project.

10 CHAIRMAN MODUGNO: Thank you. Any other
11 questions of staff?

12 At this point in time we'll open the public
13 hearing. I note there are a number of people who did
14 come into the room after we swore the initial audience
15 in. If anyone came in who was not sworn in who would
16 like to testify on this matter, if you would please
17 stand. Please raise your right hand.

18 Do you and each of you swear or affirm under
19 penalty of perjury that the testimony you may give in
20 the matter now pending before the Commission shall be
21 the truth, the whole truth, and nothing but the truth?
22 If so, state I do.

23 SPEAKERS: I do.

24 CHAIRMAN MODUGNO: Thank you. You may be
25 seated.

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1 The applicant will have 15 minutes. I know
2 that's sort of a short time for a large project. I hope
3 that you will accomplish your presentation within that
4 15-minute time period. We will then allow three minutes
5 for people who want to speak in favor of the project.
6 Followed by that will be three minutes for people who
7 have concerns or object to the project. And at the
8 conclusion of that, we'll allow 10 minutes of a rebuttal
9 period for the applicant.

10 There is a sign-up sheet. Again, please be
11 sure and sign your name and just your address, and when
12 you start your statement, indicate your name and

13 address.

14 we'd like two speakers to come forward. If no
15 extra people want to speak on behalf of the applicant,
16 one may start while the other signs in. You may start
17 at any point in time.

18 MR. EPSTEIN: Thank you. I was just signing
19 in, Mr. Chairman.

20 CHAIRMAN MODUGNO: Well, he can sign while you
21 speak, and then you can switch over.

22 MR. EPSTEIN: Good morning. My name is Jerry
23 Epstein. I'm the managing partner of Del Rey Shores,
24 and I'm the sponsor of the Shores project. Being a
25 little older than you and not meaning this in a

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1 demeaning manner, but I have to reflect. I attended my
2 first planning meeting about Marina del Rey in 1955 --
3 that's 50 years ago -- when then-County Supervisor
4 Burton Chase first initiated the idea of a marina, and
5 I've been intimately involved with that ever since. So
6 I'm very much emotionally -- we had lots of problems
7 that you may or may not remember. We had a surge
8 problem and various other problems that we've overcome.
9 I'm extremely proud of the contributions that
10 I've made toward the first generation of the marina. As
11 a matter of fact, I'm the only original lessee from 1962
12 that's still above ground.

13 CHAIRMAN MODUGNO: In a true sense.

14 MR. EPSTEIN: Thank you. You can't imagine how
15 excited I am about bringing a second-generation

16 development before you this morning. I spent a
17 tremendous amount of time on this, and I know it sounds
18 corny, but the marina is very, very emotional to me
19 because, as I say, when I started, it was -- it was
20 dirt. It was a dump, half of it, seriously.

21 My partners and I have been partners of the
22 county for over four decades. We've provided a good
23 product and a good service at that time, but like the
24 county, we need to recognize that we have to upgrade our
25 apartments to get ready for the renters of the 21st

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1 Century. When I came into the marina, the area was
2 probably the highest crime area that the county had at
3 that time -- again going back 50 years. And if you'll
4 notice, all the area around Marina del Rey that used to
5 be called Venice, they call it Marina del Rey now, but
6 what the county has done is so wonderful because you've
7 upgraded everything there, and the City of Los Angeles
8 has taken a tremendous amount of advantage of it because
9 we're the golden goose, and they have been able to
10 spring up around us and to build and really modernize
11 the area and having a much higher tax base.

12 I have assembled what I believe to be the most
13 experienced team to accomplish the goals to develop an
14 apartment complex which I really feel will appeal to the
15 contemporary rental market and fit in with the community
16 that I not only have worked with but have loved for all
17 of my professional life, which is over 42 years in the
18 construction business.

19 Thank you for your time, and let me introduce
20 my chief of staff, David Levine, who will continue with
21 our presentation.

22 MR. LEVINE: Good morning, Commissioners. On
23 Monday of this week the Los Angeles Times reported,
24 quote, "Long-simmering plans to pump glamor back into
25 the often dowdy marina are finally gaining momentum.

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1 The county is urging leaseholders to upgrade their
2 restaurants, shopping centers, hotels, and apartments,
3 creating a sense of style and excitement that is now
4 lacking," end of quote.

5 The project before you today is one of the most
6 significant components of the second generation
7 development of Marina del Rey.

8 COMMISSIONER BELLAMY: Slow down.

9 CHAIRMAN MODUGNO: Mr. Levine.

10 MR. LEVINE: Yes.

11 CHAIRMAN MODUGNO: We have a stenographer who
12 is taking -- if you would just slow down a bit.

13 MR. LEVINE: Okay. I'll do my best.

14 CHAIRMAN MODUGNO: Thank you.

15 MR. LEVINE: It takes an aging apartment
16 complex on an underutilized site and creates a beautiful
17 project with more apartments to enable more people to
18 live near the ocean and more open space and amenities
19 for our future residents, and to do so in a way which is
20 consistent with the county's vision for the future of
21 the marina. Since 1984 this site has been programmed in

22 two successive local coastal plans for high-density and
23 high-rise construction. The most recent certified local
24 coastal program adopted one decade ago by both the
25 county and the California Coastal Commission calls for

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1 redevelopment of up to 75 units per acre or 624 units
2 and building heights as high as 225 feet and all the
3 impacts associated with both.

4 In contrast, the project before you today
5 requests approval to construct 544 units on this large
6 8.3 acre site, 13 percent fewer units than permissible
7 in the certified LCP. And each of our 12 buildings is
8 75 feet high; five stories above a two-story garage,
9 which you've heard; 150 feet lower than the permitted
10 height in the certified LCP. As a result, the intended
11 impacts are also reduced. For example, the traffic at
12 peak hours is estimated to be over 20 percent less than
13 would have been permitted under the certified LCP. And
14 as you see here, we have a table which summarizes the
15 difference between the level of development prescribed
16 in the certified LCP and the project we propose for your
17 approval today.

18 The present ownership has been a part of the
19 Marina del Rey community for more than four decades, as
20 you've heard, and their families expect to remain in
21 business in the marina for decades to come. Every
22 effort has been made to plan and design a project which
23 is an enhancement to the community.

24 For your information, as you've already heard

25 in the staff report, after reviewing the letters

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1 submitted by the homeowners to the west of the site in
2 the city of Los Angeles, we sent to the homeowners
3 association a letter which clarifies the specifics of
4 our project, and a copy of that letter has been provided
5 to you for inclusion in the record.

6 We are especially mindful of the disruption,
7 the demolition of the current DeI Rey Shores will cause
8 to our current tenants since we have long-standing
9 relationships with many of them. So I want to make sure
10 that the commission is aware that we have already gone
11 above and beyond our legal obligations with respect to
12 the inevitable tenant displacement that will occur as a
13 result of project construction. Please know that this
14 project has been in the planning stages for several
15 years, that we notified our residents in the fall of
16 2004 that we were beginning to design an environmental
17 review process. I think management and I have met with
18 the residents twice for evening meetings and have
19 updated our residents by mail periodically consistently
20 over the past 15 months, and finally, we have offered a
21 financial incentive to those current residents who
22 choose to occupy their units until the last few weeks
23 prior to demolition, should we get permission to go
24 ahead with the project.

25 One of the most difficult public policy

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1 questions before you today is the issue of affordable
2 housing. We recognize the need for and support the
3 provision of additional housing at all levels of
4 affordability throughout the county, but what houses and
5 where? The Shores project before you today is not
6 located on a mole road in Marina del Rey. It will be a
7 great place to live, but it will not be among the most
8 expensive places to live, simply because our site is not
9 located on the water. County policy on affordable
10 housing, passed unanimously by the Board of Supervisors
11 a few years ago, recognized that not every new
12 development in Marina del Rey is the same, that there
13 would be some projects where the provision of affordable
14 housing would be infeasible, and how, in those cases, a
15 developer should pay an in-lieu fee to ensure that
16 additional units would be built for low-income residents
17 elsewhere.

18 We have followed both the spirit and the
19 specific provisions of this county policy to the letter
20 of the law, and we take note that our in-lieu fee of
21 over \$3.8 million will provide the gap financing to
22 build as many as 75 affordable units elsewhere, 20 more
23 units than the 55 units on-site under the policy
24 formula. By charging market rate for those 55 units,
25 the projects will generate over \$6 million in additional

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1 ground rent to the county, over 50 percent of which, in

2 turn, will be transferred to the Health and Human
3 Services Department of the county as all county ground
4 rent in the marina is in order to keep the health safety
5 net available for our families' least affluent
6 residents. By paying the in-lieu fee, this project will
7 provide more affordable units, generate more money for
8 the county, and build more apartments for the public to
9 enjoy.

10 Also please know that since submittal of the
11 Draft EIR, there have been some minor changes to the
12 project description which have been made in response to
13 site requirements and to be responsive to public and
14 environmental constraints. These changes include direct
15 access to the Via Marina has been eliminated with the
16 exception of Panay Way and Via Marina, which currently
17 exists.

18 In response to a change in the number of
19 bedrooms in some apartment units, parking requirements
20 and the number of parking spaces provided have been
21 modified slightly. The 1,000 -- excuse me. The EIR
22 states that 1,087 parking spaces were required. The
23 project provided in the EIR 1,114 parking spaces with a
24 minor change in bedroom count. 1,088 parking spaces are
25 required, and we hereby confirm that at least 1,088

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1 parking spaces will be provided. The updated project
2 design also incorporates 367 compact parking spaces, 8
3 percent less than the permitted county maximum, and our
4 architect will also address the question of compact

5 parking spaces which the Chair raised.

6 These changes have been reviewed by the
7 county's EIR consultant. Eric Sakowitz (phonetic) of
8 Impact Sciences indicates that these minor changes in
9 the project description would not alter any significance
10 conclusion in the Draft EIR.

11 Let me also address some specific questions
12 that the Chair raised. There are currently no
13 affordable units at Dell Rey Shores. All of the 202
14 units are market-rate units. Secondly, mixed use on
15 these parcels is not permitted under the certified LCP
16 and would have required an amendment to the local
17 coastal program.

18 In this day and age, the commission often hears
19 from corporate developers, real estate investment trusts
20 listed on the New York Stock Exchange, merchant
21 builders. The developers here are partners with over
22 four decades of experience in Marina del Rey, four
23 decades of reputable operation of this county leasehold.
24 Our roots in Marina del Rey are as deep as they come,
25 and this project speaks to our ongoing, long-term

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1 commitment to being as much a part of the future of
2 Marina del Rey as we have been of its past.

3 we have assembled a talented team to help us
4 realize the county's and our vision for the shores. I
5 want to introduce them to you briefly. From Nadel
6 Architects, Dale Yonkin; signage consultant, Terry
7 Graboski; LRN, Charles Elliott, landscape architect;

8 traffic engineer Ron Hersh (phonetic) of Crane and
9 Associates (phonetic); economic consultant Pat Fling
10 (phonetic) of the Maxima Group (phonetic), and land-use
11 consultant, Aaron Clark of Armbruster and Goldsmith.
12 Some of our project members will discuss key elements of
13 the project, what will be an exciting, aesthetic
14 addition to the community, how the landscaping will
15 enhance the pedestrian public street level experience,
16 how our parking management system will address concerns
17 that we adequately accommodate both resident and visitor
18 parking on-site, how our signage will be a tasteful
19 addition to the signage already in use at other Marina
20 del Rey apartment complexes.

21 We are anxious to address any and all
22 questions. Whatever we can't cover in our remaining two
23 minutes, we will cover during the rebuttal period. I
24 now turn our presentation over to our team who I promise
25 will be briefer than I have been, and they may not be

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1 able to talk as fast. And I thank you for your
2 thoughtful consideration and, hopefully, your support.
3 Thank you.

4 MR. YONKIN: Hello, I'm Dale Yonkin,
5 (inaudible) Architects, 1990 South Bundy Drive, Los
6 Angeles, 90025, and I've got the tyranny of the clock
7 here rushing at me, so I'm going to save most of my
8 comments for questions which I'm sure you'll have.

9 Basically, I wanted to address one item right
10 away, and that is having to do with compact parking

11 stalls. Our goal in the compact parking stall is to
 12 create a smaller garage and plan -- and plan as possible
 13 so we can have as much room left over for on-grade
 14 planting as possible. We've got over two acres of
 15 on-grade landscaping here. The compact stalls, however,
 16 are, in fact, standard width, so while they are
 17 shorter -- they're 15 feet and they're almost all part
 18 of our (inaudible) system -- they are the full width of
 19 a standard stall, so getting in and out of the stall is
 20 made easy because of that.

21 Basically the scheme of the project is 12
 22 buildings loosely assembled around this courtyard. Then
 23 we pushed in the buildings from the street side to
 24 create extensive landscaping along the outside typically
 25 at the corners and then angled buildings along Via

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1 Marina. We're widening the sidewalk from four feet to
 2 about six feet along Via Marina, and we've tilted the
 3 landscape up along that street so that it would look
 4 particularly impressive. The landscape is designed to
 5 look good, not only at the speeds from the street, but
 6 also at pedestrian scale. From a -- we also opened up
 7 the courtyard with a large, dramatic two story entry
 8 underneath the building looking into the courtyard from
 9 the corner here, and we'll get into, I'm sure, further
 10 details later.

11 The basic idea of the building is to have a
 12 nautical theme, but not in a very rudimentary way.
 13 You're not going to see any, you know, thick ropes and

14 wood piers and life preservers. The idea here is that
15 we're using semifloor colors on the building to accent
16 it. Most of the building is white and gray, but the
17 accent colors are semifloor flags and the main -- the
18 two corners of the building are marine blue to once
19 again bring back that nautical theme. Because of the
20 time I want to move right ahead to signage which is
21 next, so that we can address that.

22 MR. GRABOSKI: Good morning. My name is Terry
23 Graboski with Beck and Graboski Designs in Santa Monica,
24 California. We're the signage consultants for the
25 project, and you've all been given a packet of basic

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1 details of the drawings. I'm going to put up a board
2 here that you should have. I'll be glad to answer any
3 questions anybody has, but this total signage project is
4 designed to, you know, compliment the next generation of
5 apartments in the marina. We are a signage element that
6 will be very simple, sculptural, made out of durable
7 material, stainless steel, very low-key. The highest
8 point of any one sign is only ten feet. Most of the
9 signs are five feet and below. The northeast corner
10 that was mentioned earlier really only has three signs.
11 The two signs that were on our plans are basically
12 parking entrance and exit signs necessary to enter and
13 access the garages, and our square footage of our signs,
14 based on the latest application that we put in, has also
15 been reduced in scale.

16 I think I would just say thank you for your

17 time, and any questions, we will be happy to answer.

18 CHAIRMAN MODUGNO: Actually I was going to give
19 you guys a little bit of extra time only because you
20 gracefully used part of your time to answer questions I
21 had raised earlier. So my questions did get answered.

22 There was a question that Commissioner Rew had
23 raised. Perhaps you or the architect could explain
24 while you've got the rendering there, and that's what
25 will occur within the extra 25 feet. From here it

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1 almost looks like sails, but if the architect or one of
2 you could just explain, sort of point out the features
3 that will necessitate the extra 25 feet.

4 MR. LEVINE: This is Mark Davidson also from
5 Nadel Architects, but simply put, as you've already
6 noted, there are a limited number of sail-like forms.
7 There are three of them that are 25 feet above the
8 height of the building that essentially the architect
9 will explain conceptionally why, but for your purposes,
10 the key thing to note is that it's just three sail-like
11 forms that are just really aesthetic and architectural
12 nature. They were presented to the design control board
13 in Marina del Rey, and the design control board loved
14 them.

15 MR. DAVIDSON: The sail elements were --

16 CHAIRMAN MODUGNO: State your name.

17 MR. DAVIDSON: Sorry. My name is Mark Davidson
18 with Nadel Architects, and the sail elements were
19 primarily to stick with the nautical theme. They're

20 inverted sail that help to screen and cover exterior
21 exit stairs. It's just a way to help express an
22 architectural feature that is required for the building.

23 CHAIRMAN MODUGNO: So there is a functionality
24 to them?

25 MR. DAVIDSON: Correct.

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1 CHAIRMAN MODUGNO: Not 25 feet, though.

2 MR. DAVIDSON: Well, that was part of the
3 architectural expression.

4 CHAIRMAN MODUGNO: Sails are generally of a
5 canvas-type nature. Are these meant to be done in
6 canvas, or are they concrete or what material? Some
7 sort of plastic or resin?

8 MR. DAVIDSON: They originally were a material
9 similar to what they use at the Denver airport. The
10 fire marshal has since changed that. He wouldn't allow
11 it on the stairs because of flammability -- or not for
12 flammability purposes but for air circulation, so we
13 have perforated metal on there currently to allow for
14 air flow on the stairs.

15 CHAIRMAN MODUGNO: Aluminum? Steel? Tin?

16 MR. DAVIDSON: The material hasn't been chosen
17 at this time.

18 CHAIRMAN MODUGNO: But it will be a
19 noncorrosive?

20 MR. DAVIDSON: Most likely, it's going to be
21 powder-coated aluminum.

22 CHAIRMAN MODUGNO: Okay. Thank you. Any --

23 Commissioner Rew.

24 COMMISSIONER REW: I have a question. The
25 sails are meant to screen the exit stairs?

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1 MR. DAVIDSON: Correct.

2 COMMISSIONER REW: How tall are the stairs?

3 MR. DAVIDSON: The stairs go up to the roof on
4 some occasions. Basically, the stairs go up to 75 feet,
5 and the sail stair goes beyond that a little further
6 architectural expression.

7 COMMISSIONER REW: Okay. If the sails were not
8 there, would there still be something above the height
9 level?

10 MR. DAVIDSON: The stair enclosure would still
11 be there, correct.

12 COMMISSIONER REW: And how far would that
13 enclosure --

14 MR. DAVIDSON: The stair would go up to the
15 roof level.

16 CHAIRMAN MODUGNO: I guess what he's asking, is
17 there access to go above the roof that somebody going up
18 the stairs --

19 MR. DAVIDSON: No, no.

20 CHAIRMAN MODUGNO: -- to go to the roof?

21 MR. DAVIDSON: Purely sculptural.

22 COMMISSIONER REW: So the sails really are not
23 screening anything.

24 MR. DAVIDSON: Screening from down below.

25 CHAIRMAN MODUGNO: It protrudes out of the

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1 building then, yes?

2 MR. DAVIDSON: Correct. In plans they stick
3 away from the building slightly.

4 COMMISSIONER REW: These are exit stairs on the
5 exterior?

6 MR. DAVIDSON: Correct.

7 COMMISSIONER REW: Not from the building.

8 CHAIRMAN MODUGNO: Commissioner, I think if you
9 look at the lowest one towards the right, it appears to
10 me that visually it's quite a distance, but it appears
11 to me the right-hand side of that protrusion above tends
12 to make its way down the outside of the building as a
13 continuation of that -- that sort of sail feature. It's
14 almost as if the sail is cut into the building is what
15 it appears to be from this.

16 MR. YONKIN: Well, actually there are two
17 elements that we're talking about --

18 CHAIRMAN MODUGNO: State your name.

19 MR. YONKIN: I'm sorry. Dale Yonkin. Sorry.
20 There are two elements that we're talking about, what
21 we're calling the sail stairs are all on the inside of
22 the courtyard, so -- and we're doing that because, once
23 again, we want to continue with our marina themed
24 elements in the building, so we felt that that was a way
25 of adding additional vertical articulation to the

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1 building, particularly from the courtyard side. From
2 the outside of the building, I don't think they're going
3 to be that apparent because they're really not
4 essentially -- they're essentially about a story and a
5 half above the top of the building, and so you really
6 won't see them much from the street, but our goal here
7 is to add some vertical articulation from the courtyard
8 side to have things projecting above the basic flat
9 roof.

10 MR. LEVINE: I just want to reiterate that this
11 design feature was presented to the design control board
12 in Marina del Rey, and they loved it. But they were
13 enamored with it.

14 CHAIRMAN MODUGNO: Well, we'll take that into
15 account. Ours is a land-use body, not a design feature,
16 so there is a difference of the approach.

17 Commissioner Rew, did you have any other
18 questions?

19 COMMISSIONER REW: Question of the applicant?

20 CHAIRMAN MODUGNO: Correct.

21 COMMISSIONER REW: I have a question for Mr.
22 Levine.

23 COMMISSIONER VALADEZ: No, I don't think that
24 the applicant has completed its presentation yet. I
25 think it is still -- do they have some minutes left?

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1 CHAIRMAN MODUGNO: No, I think they -- I
2 thought that they wrapped it up.

3 MR. LEVINE: Well, we have other things we
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4 could say if time is not an element.

5 CHAIRMAN MODUGNO: Well, time was an element, I
6 was going to allow an extra minute only because time was
7 taken by the applicant answering questions that I had
8 raised earlier that I was going to ask during the
9 question period, so Mr. Clark --

10 MR. CLARK: Yes, sir. My name is Aaron Clark.
11 I work for Armbruster and Goldsmith.

12 CHAIRMAN MODUGNO: Let me first set the rule.
13 I will give you one minute.

14 MR. CLARK: Yes, sir.

15 CHAIRMAN MODUGNO: And that will complete the
16 applicant's presentation.

17 MR. CLARK: Yes, sir. I want to tell you that
18 we do have representative samples of competing signage
19 in Marina del Rey. I know we glossed over that, but I
20 know that was a concern that staff had. So during the
21 question and answer period, if you are curious to see
22 competing signage that justifies our variance request,
23 we can do that for you. So I just wanted to let you
24 know that we have that in our materials here today if
25 that's a concern of the commissioners.

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1 CHAIRMAN MODUGNO: Okay. Now, that does wrap
2 up the applicant's presentation?

3 MR. CLARK: Yes, sir.

4 CHAIRMAN MODUGNO: Great. Thank you.

5 Now, Commissioners, some more questions?

6 COMMISSIONER REW: Yes, I have a question for
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7 Mr. Levine. The framers of Mello -- what did they have
8 in mind when they inserted the in-lieu in your opinion?
9 why did they do that?

10 MR. LEVINE: To encourage affordable housing
11 where feasible.

12 COMMISSIONER REW: Where feasible?

13 MR. LEVINE: Yeah.

14 COMMISSIONER REW: Now, if it were feasible --
15 and I'm not trying to argue whether or not it is
16 feasible -- but if it were feasible, and you as the
17 applicant would provide it. You would know where it is,
18 and you would know when it is -- when you complete the
19 project.

20 MR. LEVINE: Correct.

21 COMMISSIONER REW: And when you're open for
22 business, the affordable housing is open for business,
23 so that takes care of when. You know where it is. You
24 know where the structures are. And how -- you don't
25 have to know how your money is going to be used because

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1 you used it to build the facility.

2 Now, if it's not feasible, then you as the
3 developer pay an in-lieu fee so that it is provided
4 someplace.

5 MR. LEVINE: Correct.

6 COMMISSIONER REW: But then do you wash your
7 hands then of everything? In other words, it's not up
8 to you? You provided the fee.

9 MR. LEVINE: We actually -- I believe that we
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10 also have to pay an annual fee to the Community
11 Development Commission of the County of Los Angeles to
12 ensure that they have the resources available to ensure
13 that, indeed, the affordable units are kept affordable,
14 so we don't wash our hands of either our financial
15 responsibility for the in-lieu fee provided units at
16 all.

17 COMMISSIONER REW: Right, for the financial.

18 MR. LEVINE: Correct.

19 COMMISSIONER REW: But the where and when, now,
20 you're not part of that?

21 MR. LEVINE: The where and when is up to the
22 County of Los Angeles. The Community Development
23 Commission have a number of projects which, I believe,
24 would make excellent use of the \$3.8 million in-lieu
25 fee. There are a number of projects that are eligible,

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1 and they could use that money. Number one, also under
2 the County of Los Angeles standards, the magnitude of
3 the in-lieu fee could generate as much as 75 affordable
4 units elsewhere because of the county's own standards in
5 terms of providing gap financing. So as I suggested, I
6 think that our payment of the in-lieu fee is a
7 win-win-win situation where there are more apartments
8 created in Marina del Rey. They are more affordable
9 units created than would be in Marina del Rey, on a site
10 elsewhere.

11 And the county also generates a significant
12 amount of additional ground rent from our leasehold.

13 And under the terms of the current county budget, over
14 50 percent -- 54 percent of every dollar in ground rent
15 generated in Marina del Rey is a transfer to the
16 Department of Health and Human Services and, therefore,
17 provides a substantial portion of the safety net for
18 affordable health care in the county of Los Angeles.
19 And I do think it's a win-win-win situation in those
20 situations where you can demonstrate infeasibility,
21 which we believe we have done, and which three county
22 departments that have looked at this concur.

23 COMMISSIONER REW: I think you've answered my
24 question.

25 Now, in your opinion -- because it stipulates

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1 that within the coastal zone or within three miles of
2 the coastal zone -- in your opinion as a developer, are
3 there any coastal zones or within three miles of any
4 coastal zones in unincorporated Los Angeles County where
5 it would be feasible?

6 MR. LEVINE: We have asked that question of the
7 county, and I believe that in its memo addressed to this
8 commission, the County of Los Angeles stated that there
9 were no such sites available within three miles of the
10 coastal zone in the unincorporated part of the county of
11 Los Angeles.

12 COMMISSIONER REW: So the framers of Mello in
13 their hopes to establish affordable housing within the
14 coastal zone and near the coastal zone -- their wishes
15 are not going to be -- can't be --

16 MR. LEVINE: No, there are different scenarios
17 under which affordable housing could be provided. This
18 commission has approved a number of projects in Marina
19 del Rey that have been given the 25 percent density
20 bonus in exchange for a provision of the affordable
21 units on site. If we had been required to provide
22 affordable units on-site, 25 percent density bonus would
23 have raised the number of units on this site to 780
24 units, which is dramatically higher than the 544 we have
25 before you today. We would not have been able to

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1 accommodate a project of that size without going to the
2 full extent of the -- for example, the height limit
3 provided in the certified LCP, and so there's a
4 balancing act going on here.

5 I also want to address the fact that we're
6 talking about the unincorporated part of the county of
7 Los Angeles. There are obviously many other
8 jurisdictions that have affordable housing policies that
9 would apply in cities -- city of Los Angeles, city of
10 Santa Monica, city of Manhattan Beach -- but the test of
11 infeasibility is incumbent upon the county to define
12 that as within the unincorporated part of the county of
13 Los Angeles, so it's not as tremendous land area, if you
14 will.

15 COMMISSIONER REW: Thank you. I have a
16 question for the architect.

17 COMMISSIONER VALADEZ: I just --

18 CHAIRMAN MODUGNO: Commissioner Valadez.

19 COMMISSIONER VALADEZ: First of all, we should
20 clarify this. There's two affordable housing policies
21 that we're dealing with here. One is the Mello
22 requirement, and the second one is a -- I believe, a
23 county requirement with regard to affordable housing,
24 and this is kind of confusing when we discuss them, but
25 I don't believe that the Mello requirement has a in-lieu

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1 fee attached to it. It's the county requirement which
2 has the context of the in-lieu fee, so just so we kind
3 of clarify when we're talking about them, which one has
4 which.

5 There's a statement in the package that was
6 provided to us which states that you had proposed
7 approximately 780 units, using the density bonus at one
8 point, and that it was found to be -- well, it was
9 rejected by the county. When did that occur?

10 MR. LEVINE: We were initially requested to
11 submit an invitation for a lease extension proposal
12 approximately five years ago. At that time the County
13 of Los Angeles did not have an affordable housing
14 policy. We submitted our initial response, calling for
15 a project of 780 units on-site including the provision
16 of affordable housing, and during the subsequent
17 negotiations with the county, as we went through the
18 process, it became clear that the county's vision as
19 well as our own for this site would be better served by
20 a project that fell below the parameters of the
21 certified LCP.

22 COMMISSIONER VALADEZ: This is an important
23 point. You came forward. You proposed a project which
24 was going to use the county incentive of a density bonus
25 to provide on-site affordable housing, and you worked

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1 with the county, and basically the county took you back
2 to a smaller project which made it infeasible to be able
3 to do affordable housing; correct?

4 MR. LEVINE: Yes, and with that also came
5 evolution of the county -- an articulated county policy
6 that provided for the in-lieu fee to ensure that we met
7 our obligation to provide affordable housing.

8 COMMISSIONER VALADEZ: Because I think this is
9 an important point that we should look at here with
10 respect to, I guess, the overall administration of the
11 county policy having to do -- and the Mello policy
12 having to do with affordable housing. And maybe this
13 will not occur in the future, but it could.

14 MR. MENESES: I believe this discussion took
15 place through the lease agreement negotiations. I don't
16 believe there was ever a project filed with Regional
17 Planning, so I just want to make that clarification.

18 COMMISSIONER VALADEZ: Oh, no, I know it never
19 reached here. It never got this far. But the applicant
20 and, I guess, if there is a Beaches and Harbor
21 representative here at some point, at some point, we'll
22 discuss that, but I don't believe that there's --

23 CHAIRMAN MODUGNO: Did you want him to --

24 COMMISSIONER VALADEZ: No, I don't need -- we

25 don't need that right now. I just needed to understand

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1 that because it is in there. I read carefully the
2 reasons why affordable housing could not occur here, and
3 there is a discussion in the findings that are used by
4 the Community Development Commission and also by Beaches
5 and Harbor -- they use these findings that were brought
6 forward by you as to a reason why affordable housing
7 could not occur at the marina. Because this is one of
8 the basics that we are relying upon for the in-lieu fee
9 is the fact that the project was not processed at a
10 higher density, even though the applicant had come
11 forward with it.

12 MR. LEVINE: The current parameters of the
13 project have all been approved by the Board of
14 Supervisors, not just the Department of Beaches and
15 Harbors.

16 CHAIRMAN MODUGNO: Well, I think following
17 that, there's really three conflicting pieces. This is
18 coming before us at 544 units, and yet, even just by the
19 zoning, there was going to 75 units per acre was the
20 higher limit, this could have another hundred units.

21 MR. LEVINE: More than that actually.

22 CHAIRMAN MODUGNO: By current zoning without
23 having to go beyond that without any density bonuses, so
24 there's more than a hundred units that are already left
25 off the table or have been taken off the table at this

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1 point.

2 We're sitting here with a county policy that
3 says there should be 10 percent affordable, but then we
4 also have a county policy that says there is an in-lieu
5 process, and then there's been a decision made elsewhere
6 within the county with the lease renegotiation that has
7 set some parameters of what's going to go on-site. So
8 in many respects some of our decisions that we could or
9 could not be making have already been made from a policy
10 standpoint.

11 So if we even came back and said to you, gee,
12 we'd be more than willing to put in a density bonus;
13 we'd be more than happy to have you put in another 10 or
14 20 percent on this project, do some things in terms of
15 waiving some parking and getting some other elements to
16 try and provide some affordability, I think a lot of
17 that's taken off because that decision, that lease
18 renegotiation, has already been done. Am I correct?

19 MR. LEVINE: Yes. However, I should add that
20 there are any number of different development projects
21 in Marina del Rey that have come forward with different
22 responses, so to speak to this answer. There are other
23 projects that have gotten density bonuses for provision
24 of the units on-site, and the Department of Beaches and
25 Harbors, the County of Los Angeles, and other applicants

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1 have actually come before this commission and the

2 California Coastal Commission with projects that require
3 amendments to the local coastal program because of the
4 transfer of development potential from one zone to
5 another. So while, indeed, we may not have 80
6 additional units that would bring us up to the certified
7 75 units per acre on this site, it is possible -- and in
8 fact, I do believe it has been the case -- there will be
9 other projects that will come forward seeking amendments
10 to local coastal plans to use those 80 units elsewhere.

11 CHAIRMAN MODUGNO: Well, in fact, our most
12 recent case was one where somebody retroactively wanted
13 to apply the affordability. They'd already made
14 commitments to people in terms of leases, and that put
15 us in a very difficult position. They had not asked for
16 density bonuses for affordability, but had either
17 presigned leases with people and then retroactively came
18 back for taking that in-lieu fee, which put us in a very
19 awkward position. I think that ended up being denied,
20 and so they're going to have to proceed forward with
21 their earlier commitment.

22 So that's why I was asking in terms of the
23 current residents who are there. Were there bonuses
24 applied to that? Were there any that are affordable
25 from the standpoint that we're losing? And I think the

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1 answer to that was no.

2 MR. LEVINE: Correct.

3 CHAIRMAN MODUGNO: They're all market-rate --

4 MR. LEVINE: All market-rate units.

5 CHAIRMAN MODUGNO: -- apartments at this point
6 and proposed to go to market-rate apartments, and the
7 number of units that are going to be there have been
8 somehow established by policy within a lease?

9 MR. LEVINE: Subject to negotiation, yeah.

10 COMMISSIONER BELLAMY: Mr. Chairman.

11 CHAIRMAN MODUGNO: Yes, sir.

12 COMMISSIONER BELLAMY: I guess this is my
13 understanding that the applicant is requesting in-lieu
14 fees, but if they don't get in-lieu fees and we weren't
15 going to have affordable housing, they'd have to
16 increase the height and density of the project; is that
17 correct?

18 MR. LEVINE: Well, the project as currently
19 described would be infeasible. We would not be able to
20 proceed with the project if the affordable units were
21 required to be on-site.

22 COMMISSIONER BELLAMY: So this is kind of --

23 CHAIRMAN MODUGNO: Well, the project meets the
24 terms of the renegotiated lease with the --

25 COMMISSIONER BELLAMY: Right. So this is kind

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1 of like a catch 22 for the community. If they don't
2 like the height or the density but want affordable
3 housing, then if they get affordable housing, then they
4 get increased density and height; is that correct?

5 MR. LEVINE: Yes, that's essentially -- I
6 respect the job that you folks do each and every meeting
7 because it's a balancing of different social priorities,

8 and development is not a cookie cutter. Every project
9 has characteristics which need to be balanced as a
10 matter of public policy, and I think we've come up with
11 an excellent project that balances competing divisions
12 and competing public policies in a sensitive way that we
13 have.

14 CHAIRMAN MODUGNO: well, and like we say, we
15 are -- just to clarify again, we're a land-use body. We
16 don't set policy. We try to interpret within our
17 land-use capability those policies, and in this case
18 there are competing policies which have been established
19 by the Board of Supervisors, and we're merely trying to
20 see that this project complies, not only with those
21 policies, but also with a good land-use view that we
22 would be able to take. So some of these decisions may
23 have put this project in a point that those types of
24 negotiations or understandings or modifications that we
25 might otherwise bring discussions with you from a policy 57

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1 standpoint have already been preempted.

2 MR. LEVINE: Correct. And again our focus all
3 along has been to create a project that would be an
4 enhancement to the community, and it would fall well
5 within the parameters of the certified LCP which is the
6 land-use document for the area. And I believe we have
7 accomplished our goal to create a project that would be
8 sensitive to the community and also a part of the vision
9 of the County of Los Angeles as we -- lessees for a
10 second-generation development.

11 CHAIRMAN MODUGNO: I note we've gone way beyond
12 the time, and I apologize to our stenographer -- not the
13 time in terms of answering questions. But we're going
14 to take a break of seven minutes. We'll go to 11:30
15 with a break, and then we'll resume questioning of the
16 applicant.

17 MR. LEVINE: Thank you very much.

18 (Brief recess was taken.)

19 CHAIRMAN MODUGNO: We're going to reconvene the
20 meeting. Will you please take your seats. Those of you
21 at the boards, would you please sit down.

22 All right. We ended with questions of the
23 applicant, and we're still in that process.

24 Dr. Fricano, you mentioned to me during the
25 break that a point of clarification needs to be made.

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1 DR. FRICANO: Yes, Mr. Chairman. The applicant
2 has requested to make a further clarification on one of
3 his responses.

4 CHAIRMAN MODUGNO: Which one of the applicants?
5 If you'll start by stating your name again for the
6 record.

7 MR. LEVINE: David Levine. I just wanted to
8 clarify one of my responses to the question about the
9 relationship between the County of Los Angeles and the
10 lessee in the negotiation of the proposed project.

11 In the give and take of negotiations, it became
12 evident to us that a high-rise project with affordable
13 units provided on-site and a density bonus was not

14 economically feasible. Frankly, after doing the
 15 research of a wide variety of alternatives, we
 16 determined that anything above five stories was simply
 17 impractical for economic reasons. It would have
 18 required that the entire project be built with more
 19 expensive construction type, i.e., a high-rise building.
 20 The increase in parking would have eliminated much of
 21 the open space because the parking garage would have had
 22 to cover a substantial portion of the 8.3-acre site.
 23 The increase in parking alone would have cost an
 24 additional \$30,000 per parking stall, and an economic
 25 consultant looked at the project, and in order to make

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1 it economically feasible, we would have had to charge
 2 over \$2.50 per square foot in rent, which the market
 3 would not bear at that time, nor would it bear today.
 4 So the -- my point to clarify here is that
 5 during the give and take of negotiations with the
 6 county, the developer ended up submitting a revised
 7 proposal which is the current project that you see
 8 before you because this is the project that we believe
 9 is economically feasible, and any of the other
 10 alternatives that we envisioned were not economically
 11 feasible. And then the county approved that project,
 12 that became our coapplicant, obviously, during this
 13 process.

14 CHAIRMAN MODUGNO: You mean the Department of
 15 Beaches?

16 MR. LEVINE: And ultimately the County of

17 Los Angeles. Thank you.

18 CHAIRMAN MODUGNO: Other questions of the
19 applicant?

20 COMMISSIONER REW: Yes, I have a few quick
21 questions of the architect. The -- this is a gated
22 project?

23 MR. YONKIN: Yes.

24 COMMISSIONER REW: Gated for both vehicles and
25 pedestrians?

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1 MR. YONKIN: That's correct.

2 COMMISSIONER REW: So if someone that's a
3 resident there decides to take a walk and they return,
4 they'd have to have a key or something to get in?

5 MR. YONKIN: That's right.

6 COMMISSIONER REW: And so a nonresident guest
7 arriving on foot would have to make telephone contact or
8 something?

9 MR. YONKIN: Well, we have an intercom system,
10 so as normally is done, they would have to buzz to the
11 unit, and then they would be buzzed into the speaker.

12 COMMISSIONER REW: And the guest parking is
13 within the gated area, so they would also have to make
14 contact?

15 MR. YONKIN: Guest parking -- in order for --
16 once you're in the guest parking, in order to get to the
17 complex itself or into the courtyard, you have to be
18 buzzed in; that's correct.

19 COMMISSIONER REW: So there is guest parking

20 that's available without being a guest?

21 MR. YONKIN: Well, you -- somebody has to let
22 you into the guest parking, if that's the question, yes.

23 COMMISSIONER REW: Okay. So the only way a
24 nonresident pedestrian could get in without knowing
25 someone would be if they went in with a vehicle that was

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1 going in?

2 MR. YONKIN: Yes, that's true.

3 COMMISSIONER REW: I have a question on the
4 parking. Are you the one to ask?

5 MR. YONKIN: Sure.

6 COMMISSIONER REW: The original -- the figures
7 that we just got today -- the one-bedroom units
8 increased by two, and the two-bedroom units decreased by
9 two. But the standard spaces, standard-size spaces,
10 were reduced somewhat dramatically, 200 or more, and the
11 compact spaces increased almost the same dramatically.

12 MR. YONKIN: Yes.

13 COMMISSIONER REW: But it appears to me that --
14 I don't know if I'm correct on this -- because as far as
15 square footage of parking, was there a big decrease in
16 the amount of square footage of parking?

17 MR. YONKIN: There are -- I don't recall. What
18 basically has occurred is that since the initial
19 schematics, we have gone into design development that
20 has been much more refined about the size of the
21 parking, the garage itself. And so we have made every
22 effort to keep that garage as small as possible to give

23 as much as possible to landscape. And that's
24 essentially where we are now. We have a garage which
25 meets all of our needs, both parking and mechanical-wise

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1 and so forth, and it is kept at a prudent size from a
2 size standpoint to increase the landscape.

3 COMMISSIONER REW: So the original numbers
4 versus the revised numbers -- the actual parking garage
5 in the revised is smaller?

6 MR. YONKIN: I believe it is.

7 COMMISSIONER REW: To allow for more open space
8 or landscaping.

9 MR. YONKIN: That's correct. Correct. Overall
10 square footage.

11 COMMISSIONER REW: Thank you.

12 CHAIRMAN MODUGNO: Other questions of the
13 applicant? Okay. Great. Thank you.

14 For purposes of logistics the balance of the
15 morning and early afternoon, you've noticed we have one
16 commissioner who is not with us today who is out of the
17 country. We will be losing a quorum at 12:45. The
18 original staff report indicated that this hearing more
19 likely will be continued, and it more than likely will
20 be continued. There are a number of questions, I think,
21 that need to be addressed.

22 What I propose doing is, now that the applicant
23 has presented its case, and the commission has asked
24 questions of applicant, we do still have the
25 representative here from Department of Beaches. I'd

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1 like to have you come forward and make a small
2 presentation or speak to the subject. Is there someone
3 here from the CDC?

4 UNIDENTIFIED SPEAKER: Yes.

5 CHAIRMAN MODUGNO: After he speaks, I'd also
6 like to have you, if you could for the record, speak,
7 and whether you're in favor, neutral, how we've gone
8 through this process, I'd like both of it on record.
9 And then what we will do is take comments from anyone in
10 the audience who's in favor of this project, and then
11 we'll, time permitting, take -- actually you know what
12 we may do? You want to bifurcate that?

13 COMMISSIONER REW: Yeah, because there's
14 probably more ...

15 CHAIRMAN MODUGNO: Because of the fact that we
16 have a number of people, and we want to hear from both
17 sides, after these two gentlemen speak, I'd like to have
18 somebody who's in favor of the project speak and then
19 somebody who has concerns or is against the project and
20 give you an opportunity to speak as well. So we'll take
21 discussion, and we'll try to do it in alternating
22 fashion, so the person who's sitting on my left which
23 would be your right, if that chair is open and you're in
24 favor, if you'll take that seat after these two
25 gentlemen speak. The seat which is on my right or your

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1 left, if people who have concerns about the project, if
2 you'll take that seat, and we'll take three minutes of
3 testimony from -- three minutes from each of those
4 persons.

5 So at this point in time, again Department of
6 Beaches, if you'll state your name for the record.

7 MR. WISNIEWSKY: Yes, I'm Stan Wisniewski,
8 director of the L.A. County Department of Beaches and
9 Harbors. Thanks for giving me an opportunity to -- I am
10 not only a proponent, but I'm also a coapplicant on this
11 for technical reasons. Historically, I need to give you
12 some background.

13 In 1997 my department created an
14 asset-management strategy that was basically a strategic
15 plan for how to redevelop Marina del Rey and make it
16 more visitor-serving and turn it from its '60s image to
17 a 21st Century project. And one of the -- we haven't
18 always been able to accomplish a tear-down and a rebuild
19 which has always been our preference for residential in
20 Marina del Rey. We do have some that are refurbishing,
21 and they're getting shorter lease extensions for that.

22 In this case we're very, very pleased to have a
23 project where it is removed, and additional density is
24 brought in under the LCP. Even though we have gone
25 through approximately a dozen or so RFP efforts to

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1 solicit developers to redevelop in Marina del Rey, we
2 are at best a little bit over -- with putting everything
3 within the pipeline, much of which you haven't seen, we

4 are still only a little over 50 percent of the
5 development potential that is authorized by the LCP. So
6 wherever we have a property that increases density,
7 especially where it's bringing a new product, not a
8 refurbished product, we're very excited.

9 The second reason we're very excited is that
10 this lessee has demonstrated a remarkable sensitivity,
11 not a -- I shouldn't say remarkable -- an expected
12 sensitivity to tenants, but also remarkable in some ways
13 because Jerry Epstein, who I've known for 30 years --

14 CHAIRMAN MODUGNO: Can I interrupt you for just
15 a quick second? There are four ladies standing at the
16 side. You'll have to take seats. If you want to be
17 ready to speak, take some seats up in the front, but we
18 can't have you standing. Thank you.

19 MR. WISNIEWSKY: As I was indicating, I have
20 known this particular lessee for my career in Marina del
21 Rey which now stands 30-plus years, and he has
22 demonstrated a sensitivity to the tenants which, I
23 think, is demonstrated in how he is interacting with the
24 tenants of existing facilities. There are other lessees
25 that are doing the same, and I have been very, very

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1 pleased with, but I think Jerry Epstein has been very,
2 very sensitive in that regard so that he'll transition
3 existing tenants, where feasible, into the new units.
4 But from a management standpoint over these years, he
5 has been, I think, a true partner with the county. I
6 think he's done a very good job. He's been responsive

7 to our criticisms at times, and we've tried to be
8 responsive to his criticisms at times, recognizing that
9 we are ultimately still his landlord. We don't always
10 agree.

11 But it is an excellent project. The design
12 control board, I think, is clearly on record as
13 supporting it, and anything that I can provide in
14 addition to the comments that I've made or any questions
15 that come up later on, I'd be happy to respond to.

16 CHAIRMAN MODUGNO: Okay. Thank you. Any
17 questions?

18 COMMISSIONER REW: Yes, Mr. Chairman.

19 CHAIRMAN MODUGNO: Commissioner Rew.

20 COMMISSIONER REW: Just in your opinion and
21 best of your knowledge, how, when, and where if this
22 project goes ahead with in-lieu fees in lieu of
23 affordable housing -- in your opinion, how, when, and
24 where will those fees be used?

25 MR. WISNIEWSKY: That is a question that is

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1 best directed to the man at my left. The Department of
2 Beaches and Harbors -- we are a cosignature of the
3 letter that demonstrates in our opinion that it is not
4 economic to provide them on-site, and therefore, the
5 in-lieu fee is appropriate. I think for philosophical
6 reasons, I'm excited that it will provide -- and this
7 isn't a matter of county policy; this is just my
8 personal opinion since you asked for it -- I'm also
9 delighted it's going to provide more housing units

10 outside Marina del Rey than it would if it was built in
11 Marina del Rey, but that's the responsibility of the
12 Community Development Commission. I'm sure that the
13 gentleman to my left can easily respond.

14 COMMISSIONER REW: So therefore, I gather what
15 you're saying is, you may have some preferences, but
16 it's really not within your purview unless you were
17 asked how they should be.

18 MR. WISNIEWSKY: My preferences are playing
19 their way out in this project. I think the affordable
20 housing policy that the county has is being administered
21 correctly here, and I think that in the event you cannot
22 provide the affordable housing on-site, which has been
23 clearly demonstrated here, then the in-lieu fee is
24 intended to be used as gap financing to provide an ever
25 greater number outside the marina project, and I support

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1 that totally.

2 COMMISSIONER REW: Thank you.

3 CHAIRMAN MODUGNO: Commissioner Valadez.

4 COMMISSIONER VALADEZ: I'm sorry. This raises
5 a question. You are at the forefront of the provision
6 of affordable housing. From the standpoint that you see
7 the project first before they come to the Community
8 Development Commission, before they come to the Planning
9 Commission, et cetera, so that your work, Beaches and
10 Harbors' work, with the developers in forming the
11 project and basically modeling it into the project that
12 is going to come forward eventually will determine, as

13 we've seen here, whether affordable housing is feasible
14 or not feasible, whether density bonuses will be used or
15 not be used, whether different analyses will take place
16 with regard to the feasibility of affordable housing on
17 each development as it comes forward.

18 we've seen them with very different -- some
19 which have had the 10 percent remade for seniors, we've
20 seen some which actually have a senior project on-site,
21 and now we're seeing one which has removed. I'd be
22 interested to see how you handle that at the forefront
23 of a project. Is this analysis that you have that
24 Kaiser Marston does -- is that done after the fact
25 because it looks like it's a relatively new analysis?

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1 or is that done at the time that a project comes to you
2 with the recognition that these policies are in place
3 now?

4 MR. WISNIEWSKY: That analysis that you see was
5 obviously done after the fact, but let me give you some
6 background on the negotiations themselves. We -- with a
7 particular project at hand, I think there was a
8 misconception, which I think the applicant clarified,
9 that somehow the county wanted a lower-density, smaller
10 height-wise project. That is not what occurred in the
11 negotiations. What occurred in the negotiations was the
12 original project, which, I believe -- and I'm recalling
13 from memory from years ago, and I wasn't at all the
14 negotiating meetings -- but what I remember happening is
15 frankly, economics has always driven projects in Marina

16 del Rey. If we can develop to the density that was
17 allowed on that site with the steel construction that
18 would have been required, that would be the project that
19 would be before you today.

20 COMMISSIONER VALADEZ: At which point do you
21 start cooperating with the Community Development
22 Commission having to deal with issues of the affordable
23 housing for a project? Were they party to this
24 discussion or in any way working with you to see what
25 they could do to be able to make affordable housing

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1 feasible in the marina area?

2 MR. WISNIEWSKY: I believe at the time that
3 this -- I'm trying to remember the time frame within
4 which the affordable housing was approved by the board.
5 I don't know how it impacted any particular project.

6 COMMISSIONER VALADEZ: This may have come
7 before the policy?

8 MR. WISNIEWSKY: I'm not really sure. I can
9 tell you that the reason that we brought a Marina del
10 Rey affordable housing forward is that none existed for
11 Marina del Rey, so my department worked with CDC and
12 Regional Planning so that I could give my negotiators
13 parameters. We had none. And as a result, the first
14 couple of projects that came through here, you may
15 remember, had, frankly -- in some cases, would not
16 comply with the current affordable housing project of
17 the county. We realized that we needed one. We worked
18 with those departments, went to the Board of

19 supervisors, and got it approved.

20 COMMISSIONER VALADEZ: Okay. Thank you.

21 MR. WISNIEWSKY: Sure.

22 CHAIRMAN MODUGNO: Great. Any other questions?

23 Thank you very much.

24 MR. WISNIEWSKY: Thank you.

25 CHAIRMAN MODUGNO: Sir.

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1 MR. BABCOCK: Yes, my name is Blair Babcock.

2 I'm with the Community Development Commission of the

3 County of Los Angeles. I'm the assistant to the

4 director for affordable housing development. I don't

5 know if you had any questions, but I did want to, first

6 of all, reiterate that the commission does support the

7 payment of the in-lieu fee for the development of

8 affordable housing which will be outside the marina

9 area.

10 CHAIRMAN MODUGNO: The applicant stated that

11 the numbers would probably be leveraged to the extent

12 that 10 percent that would be applied in the marina of

13 54, 55 units would generate enough in-lieu fees for your

14 department to probably see the ultimate construction of

15 75 affordable units somewhere. Is that apt?

16 MR. BABCOCK: Well, I think there's a variable,

17 and yes, it would definitely assist in the development

18 of affordable units. The subsidy amounts have to be

19 combined with other subsidies that are available to us,

20 most particularly in the unincorporated areas for the

21 department of housing. The in-lieu fee, solely by

22 itself, would not be enough to generate an affordable
23 unit. It has to be combined with other public subsidies
24 in order to be able to do that.

25 CHAIRMAN MODUGNO: But suffice it to say, it

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1 would be something beyond a one-to-one match that would
2 be something approaching 50 percent greater? Is that an
3 apt number, or no?

4 MR. BABCOCK: I'm not sure I understand your
5 question.

6 CHAIRMAN MODUGNO: Well, if they had 10 percent
7 of this project with 544 units as affordable, if they
8 could do that, then that would be 55 units. I think the
9 number was given to us that it could be as many as 75,
10 which is getting pretty close to 50 percent more than
11 the 55, so it's an extra 20 units, that that amount of
12 money in the in-lieu fees could be leveraged to get 20
13 more affordable units somewhere.

14 I guess getting back to Commissioner Rew's
15 question, are those somewhere units -- Los Angeles
16 County is a very big place. Are they in Palmdale? Or
17 are they perhaps in a neighboring community of Santa
18 Monica, Los Angeles, Van Nuys, or something like that so
19 that I don't think we expect to take somebody from
20 Marina del Rey and relocate them to Palmdale -- not that
21 anything's wrong with Palmdale; I live close to it in
22 Santa Clarita, but ...

23 MR. BABCOCK: Well, I think that, hopefully,
24 staff has provided you with a listing of developments

25 that the CDC, that the commission currently has in the

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1 pipeline, and those are developments where we would
2 apply this -- those in-lieu fees would be applied to one
3 or more of these developments. They range in size from
4 32 single-family homes up to 300 units of affordable
5 rental housing. None of them are within three miles of
6 the coast, but they are all in unincorporated county
7 territory.

8 COMMISSIONER REW: That's this chart --

9 MR. BABCOCK: That's correct.

10 COMMISSIONER REW: So in answer to my
11 question -- how, when, and where -- this would be the
12 where.

13 MR. BABCOCK: Yes.

14 COMMISSIONER REW: And you're saying that all
15 the in-lieu fees would be applied to affordable housing.

16 MR. BABCOCK: Yes.

17 COMMISSIONER REW: And the when would be
18 whenever you get the money?

19 MR. BABCOCK: Right.

20 CHAIRMAN MODUGNO: Any other questions?

21 COMMISSIONER VALADEZ: Just a question to
22 clarify. It's only going to be very difficult to
23 quantify that you would get 20 percent more or
24 50 percent more because it is not saying that you could
25 get 75 percent more units. That does not work with the

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1 way in which affordable housing was developed, and you
2 know, the chances of getting 55 units for just the \$3.8
3 million of subsidy by itself -- you would not be able to
4 do that. You would need additional funding from the
5 CDC, and you would need additional funding from home
6 fund or City of Industry fund for additional funds, so
7 even to say that you gave the CDC \$3.8 million and said,
8 you know, produce 55 affordable housing units with it,
9 they could not do that. That's the bottom line. And
10 the minute that they're talking about \$50,000 and
11 \$50,000 and there are some limits here, most of these
12 units, because of the same increase in construction
13 costs that's affecting this building and having to deal
14 with why it can't afford this, have increased most
15 subsidies in the neighborhood of a hundred to a hundred
16 and twenty-five thousand dollars a unit.

17 CHAIRMAN MODUGNO: So that number is up in the
18 air then? It could be 20; it could be 30; it could be a
19 hundred?

20 MR. BABCOCK: As Commissioner Valadez pointed
21 out why, public resources -- most public resources,
22 particularly federal resources are diminishing.

23 CHAIRMAN MODUGNO: Okay. Great. Any other
24 questions? Thank you very much, Mr. Babcock.

25 COMMISSIONER BELLAMY: Mr. Chairman.

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1 CHAIRMAN MODUGNO: Commissioner Bellamy, yes.

2 COMMISSIONER BELLAMY: I have a question.
3 CHAIRMAN MODUGNO: I'm sorry. Mr. Babcock.
4 COMMISSIONER BELLAMY: I'm just curious. Most
5 of these that are in the pipeline now are either in the
6 1st or 2nd District, except for one in the 4th. Have
7 these -- and they're showing a number of units. Have
8 these RPs already gone out?
9 MR. BABCOCK: I'm sorry?
10 COMMISSIONER BELLAMY: Have the RPs already
11 gone out?
12 MR. BABCOCK: Yes, all of these are under
13 development, correct.
14 COMMISSIONER BELLAMY: Thank you.
15 CHAIRMAN MODUGNO: Okay. Great. All right.
16 If the people, as I said before, if somebody would
17 occupy the chair on my left which would be your right if
18 you're a proponent. The chair on my right, which would
19 be your left, if you have concerns or are opposed to the
20 project. We'll hear first from the proponent.
21 MR. RILEY: Excuse me. Mr. Chairman,
22 Commissioners. My name is Tim Riley. I'm here today
23 representing the Marina del Rey Lessees Association.
24 This group is composed of the major -- most of the major
25 leaseholders in the county who are developing the

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1 properties in the marina. As was pointed out earlier in
2 the applicant's presentation, there was a Times article
3 just Monday in the business section talking about the
4 marina and basically the slowness of how it's being

5 redeveloped or has been over the years. It's been more
6 than ten years since the LCP was certified.

7 Director mentioned the
8 asset-management-strategy plan from '97, and there are
9 things in the pipeline and things are happening, as the
10 director mentioned, the preference for tearing down and
11 rebuilding. This is a project that meets that
12 preference, and we have existing 202 units, I believe,
13 and there will be redeveloped at 544 units, providing
14 much needed housing in the county, an issue which, I
15 know, has been discussed before this group many times
16 before.

17 And so, I think, we need to focus on
18 redevelopment and the desire here as between the lessees
19 and the county to redevelop the marina in an ordinarily
20 fashion. This project meets all the requirements of the
21 LCP. It's well within the parameters. The height is
22 much less than what is permitted. The density -- we've
23 gone over this many times -- it's less than what is
24 permitted. So it is a really good project, fitting with
25 the land-use policies and should be approved on that

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1 basis. Also the affordable in-lieu fee policy is
2 something that this association testified before the
3 Board of Supervisors in 2002 in support of that policy.

4 Mr. Chairman, you mentioned earlier this
5 morning a case which is before you in which planning
6 retroactively, but unlike that previous case, this one
7 before you today has the support of the three

8 departments -- Regional Planning, Beaches and Harbors,
 9 and the Community Development Commission. This is
 10 instructive because this did not occur in the previous
 11 case, as you know, so the project was not, per se, so
 12 much denied as I remember it being withdrawn here in the
 13 face of this opposition, and that it would not be
 14 successful. That success would have moved on
 15 eventually, so it was withdrawn. Today we have before
 16 us a project which fits with the policy as was adopted
 17 by the Board in a unanimous decision more than three
 18 years ago. So I conclude by saying, it's a good
 19 land-use case and urge your approval.

20 CHAIRMAN MODUGNO: Thank you.

21 Sir.

22 MR. HABCOME: Yes, my name is Gene Habcome, and
 23 I'm the president of the homeowners association of the
 24 condos that's immediately to the southwest of the
 25 proposed projects. And we've heard very eloquently from

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1 Messrs. Epstein and Levine how much worse this project
 2 could have been, and then they admitted that the
 3 limitation was economics, not the law or the density
 4 that's allowed.

5 And I would like to talk a little bit about the
 6 impact of the project on its nearest neighbors, which is
 7 us. First of all, the project -- the buildings will be
 8 near to our homes and higher than the current project.
 9 They will impact sunlight. They will impact air motion
 10 in the air.

11 Second of all, the density will have the usual
12 impacts of traffic and all the other things that density
13 brings. In looking at the Environmental Impact
14 Statement, we believe that it does not include a current
15 projection of what is going to be built in the marina.
16 We've heard from all of you, and you want to build more
17 in the marina where the numbers of more traffic and more
18 sewage and more water, I don't believe, have been
19 adequately addressed in this EIR, and they need to be
20 addressed. You need to review and make sure that all
21 those impacts are -- the capped oil wells that are below
22 the property, the potential for toxic earth when they
23 move the earth in the vicinity -- all needs to be
24 addressed specifically, and so we wish that you would do
25 that.

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1 Now, I would ask you to give us some leeway.
2 Time is very short. We've heard for almost two hours
3 from the proponents of the project. We'd like to have
4 some opportunity to have our lawyer speak and to have a
5 professor who's a resident of our complex speak to the
6 issue so that we have some opportunity to rebut what
7 we've heard in the past two hours. I ask your
8 indulgence for that.

9 CHAIRMAN MODUGNO: Well, the fact that the seat
10 to your right is vacant, I'm taking that there's no one
11 else who's speaking in favor of the project. If that's
12 not the case, then it should have been occupied, but
13 we -- you know, it's clear that this is going to be

14 continued.

15 MR. HABCOME: Excuse me. We have 15 or 20
16 people who have come down here to get their views
17 presented. They have gone through a lot of time and
18 parking expense, and I understand that time is limited.
19 I just beg your indulgence to let us have our say
20 because we have made a great effort to come down here
21 today.

22 CHAIRMAN MODUGNO: Well, we normally would go
23 straight into taking comments from proponents, and the
24 reason I'm trying to blend in is to get those of you who
25 have concerns -- I suspect that the seat to your right

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1 will not be as full as the seat that you occupy, and as
2 soon as that stops, then we'll take testimony clearly
3 from those who share your views.

4 MR. HABCOME: Thank you. So if you'd let us
5 line up ...

6 CHAIRMAN MODUGNO: Well, I think as the seat
7 gets empty, people can step into it in lieu of lining
8 up.

9 Sir.

10 MR. VAN WERT: Chairman Modugno, members of the
11 commission, my name is Roger Van Wert, and my address is
12 515 South Figueroa Street in Downtown Los Angeles, and
13 it's good to be back before the commission again.
14 Although normally I'm in the 15-minute range, I
15 recognize today I'm in the three-minute range, and so I
16 will adhere to that. I'm here --

17 CHAIRMAN MODUGNO: Mr. Van Wert, just a minute.
18 Those of you standing -- you know, perhaps it might be
19 easier if you just sort of determine in which sequence
20 people want to speak, but I can't have people lining up,
21 so if you'll sort of -- one of you go around and just
22 lay out some sequencing, if you could do that.
23 UNIDENTIFIED SPEAKER: May I make -- we have
24 two people who would like to speak. The rest of the
25 people will cede their time to those two people is my

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1 understanding.
2 CHAIRMAN MODUGNO: Is one of them one of the
3 ladies standing?
4 UNIDENTIFIED SPEAKER: We all just have to
5 leave at 1:00 o'clock, so there's no --
6 CHAIRMAN MODUGNO: I think we'll just have to
7 keep it flowing.
8 Sorry. Mr. Van Wert.
9 MR. VAN WERT: No problem. I represent the
10 Esprit (phonetic) project which is parcels 12 and 15 in
11 Marina del Rey, and I'm here today to speak in favor of
12 this project. Mr. Epstein is a fixture in the Marina
13 del Rey, and he's assembled a very qualified development
14 team, and I think it's clear from what has been
15 presented so far that the character and quality of the
16 development, as well as the provision of additional
17 housing, argue in favor of the commission's favorable
18 approval of this project.
19 The reason I didn't come up immediately when

20 the chair became open is because we do have one concern,
21 one parochial concern that we would like to express to
22 the commission, and that is that we believe the DEIR is
23 missing one key piece of information that we would like
24 to see incorporated. As we all know, infrastructure is
25 critical to the marina. In fact, we all understand that

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1 the marina's regulatory framework is based on a phased
2 allocation system that relates to infrastructure
3 improvements, and with respect to the subject of
4 wastewater, the NOP states that a full analysis of
5 sewer-line capacity for the project site -- sewer trunk
6 line is necessary to adequately evaluate system
7 capacity. The following analysis would be incorporated
8 into the proposed EIR to adequately address potential
9 project and cumulative impacts.

10 Also as we're all aware, the Specific Plan
11 requires that this report be submitted as part of the
12 application process. However, when we look to the DEIR,
13 this report is missing. We certainly have the
14 discussion and the conclusions in the Draft
15 Environmental Report; however, the supporting report
16 that gives evidence as to why those conclusions were
17 reached is absent, and in fact, the report quoted in the
18 DEIR section is different from the report mentioned in
19 the appendix.

20 So just to conclude, we would appreciate if the
21 commission would consider a continuation of this project
22 to allow that report to be incorporated into the Draft

23 Environmental Impact Report so that we all have a chance
24 to review that material. But again, we believe this is
25 a positive project for the Marina del Rey. It's

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1 consistent with the LCP, and hopefully ultimately will
2 receive this commission's favorable approval. Thank you
3 very much.

4 CHAIRMAN MODUGNO: Thank you. Any questions?
5 Thank you, sir.

6 MS. HANSCOM: Honorable Commissioners, my name
7 is Marcia Hanscom. I'm here on behalf of CLEAN, Coastal
8 Law Enforcement --

9 CHAIRMAN MODUGNO: Before you -- there's an
10 empty seat. I take from that, no one else is speaking
11 in favor? If that seat is not occupied, then that seat
12 can then be used by people who are going to speak in
13 opposition as well. I'm sorry.

14 MS. HANSCOM: Okay. The Coastal Law
15 Enforcement Action Network, Wetlands Action Network, and
16 the Sierra Club Wetlands Restoration Committee. I'm
17 glad that Mr. Epstein brought us back to 1955, but
18 while, I guess, they say beauty is in the eye of the
19 beholder and while he saw dirt, this was coastal salt
20 marsh. This was part of the bio wetlands, and more than
21 half of the bio wetlands were destroyed to build Marina
22 del Rey, and there were reasons for them. There were
23 public reasons. The overriding reasons were that there
24 was use for the public, not necessarily for private
25 developer enrichment.

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1 And we are concerned that this development is
2 really being put forward to you prematurely, and that is
3 because the Coastal Commission and the County are
4 currently undertaking a periodic review of the local
5 coastal program as demanded by a court settlement. And
6 that needs to happen before these developments can
7 continue. The county staff keeps telling the coastal
8 commission they don't have time to do the periodic
9 reviews. Yet they have time to bring this development
10 forward.

11 And there are serious flaws related to the
12 Coastal Act in this project in particular. For one
13 thing, housing is not a-coastal dependent use. Now, the
14 Mello Act did try to make up for that and say, well, if
15 we're going to have housing, at least we ought to have
16 some affordable housing which has been really a sham in
17 this county and in the city of L.A. and up and down the
18 coast as well. And it's time that we really pay
19 attention to what the framers of the Mello Act did
20 envision originally.

21 I also would like to suggest that nothing has
22 been put into the report related to the biology of this
23 area. While you're talking about having high buildings,
24 five stories high with another set of sails, et cetera,
25 this is a bird and wildlife corridor. There are a

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1 number of nesting and roosting egrets, herons, other
2 birds in the marina that travel back and forth between
3 those roosting sites and the grand canal lagoon which is
4 right along the other side of Via Dulce, so those are
5 the best part of the bio wetlands, and there's nothing
6 in this that speaks about it. There's the endangered
7 least tern that nests right on the beach in Venice, and
8 when you talk about putting in landscaping, you're
9 talking about the likelihood of putting in more trees
10 which are not native to the area. Crows proliferate,
11 and they actually kill the endangered birds' eggs. So
12 there needs to be an endangered species consultation
13 with fish and wildlife service for this review to be
14 applicable.

15 And I would suggest that the traffic
16 significance is absolutely bizarre. Why you think there
17 is some sort of remediation needed on Mindenow but not
18 at Washington and Lincoln, for instance, which is much
19 closer to this site, it's just beyond understanding of
20 those of us who reside there and travel these areas
21 regularly. So we think you need more work on this
22 before it can be approved. Thank you.

23 CHAIRMAN MODUGNO: Thank you.

24 Ma'am.

25 MS. BROWNE: Good afternoon. My name is

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1 Susanne Browne, and I'm an attorney with the Legal Aid
2 Foundation of Los Angeles. I understand that Angelo
3 Lynch has ceded his time to me, and I would ask that the

4 commission respect that, even though the hour is getting
5 late in order to testify --

6 CHAIRMAN MODUGNO: I'm only going to give each
7 of you three minutes. I think that that's the fairest
8 way of doing it because multiple people want to speak.
9 We are going to have a continuation. We will continue
10 to take written testimony that will be part of the body
11 of this, and as we get into the continued hearing, take
12 that -- but try to summarize in three minutes. If you
13 have something -- substance which you're reading from,
14 that can clearly be submitted to us, and it will be part
15 of the staff report. It will have the opportunity for
16 staff to both look at it, and it will give the applicant
17 a chance to review it as well.

18 MS. BROWNE: We have given you our submission.

19 CHAIRMAN MODUGNO: Thank you.

20 MS. BROWNE: As I said, my name is Susanne
21 Browne. I'm an attorney with the Legal Aid Foundation
22 of Los Angeles, and I'm here on behalf of my
23 client, People Organized for West Side Renewal also
24 known as POWER. My cocounsel is the Western Center on
25 Law and Poverty. We're extremely concerned about Mello

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1 Act compliance in this development. People at Western
2 Center and POWER are intimately familiar with the Mello
3 Act requirements. In 1993 --

4 CHAIRMAN MODUGNO: Ma'am, you're reading very
5 quickly. Again, she's trying to keep up.

6 MS. BROWNE: I'm trying to get it all in.

7 CHAIRMAN MODUGNO: I know, but you can't put
8 ten in three.

9 MS. BROWNE: Okay. I'll remember that.

10 CHAIRMAN MODUGNO: Try to summarize your
11 salient points.

12 MS. BROWNE: In 1993 Legal Aid and Western
13 Center sued the City of L.A. for its failure to comply
14 with the Mello Act. We prevailed in our lawsuit, and
15 the city entered into a settlement agreement with us.
16 Our settlement still dictates the terms of Mello
17 compliance in the city of L.A. Over the last years
18 we've been actively involved with Mello development in
19 both the city and the county. In each case we've been
20 able to obtain either on- or off-site affordable units
21 at each development. In no case was the developer able
22 to prove infeasibility and obtain an in-lieu fee.

23 Before we address the developer's in-lieu fee
24 application, we want to clarify that the Mello Act has
25 two affordable-housing obligations. It has a

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1 displacement housing obligation, which appears to have
2 been overlooked, and then it has the inclusionary
3 housing obligation which has been the subject of much
4 discussion today. The Mello Act requires developers to
5 replace low- and moderate-income units that are
6 demolished in the coastal zone. In the present
7 development the developer is proposing to demolish 202
8 existing apartments. Although the developer has said
9 that these are market-rate units, that is not evident of

10 the incomes of the tenants in the building which is what
11 the Mello Act requires. The Regional Planning
12 Commission cannot approve demolition of these 202
13 existing units until a full study is undertaken of the
14 incomes of the tenants in these units. If they are
15 occupied by low- or moderate-income households, a plan
16 to replace those units must be provided before this
17 development can proceed.

18 I'd like to now move on to address the
19 developer's in-lieu fee application for this
20 development. The Mello Act provides that new housing
21 developments shall include affordable housing where
22 feasible. A careful reading of the Mello Act reveals
23 that it does not allow in-lieu fees for inclusionary
24 units if even one affordable unit is feasible on- or
25 off-site. The county's policy provides that the county

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1 is required to reduce its ground rent by up to
2 52 percent if this will make it feasible for the
3 developer to provide the affordable units on-site.
4 Our feasibility expert, Dr. Neil Mare
5 (phonetic), has concluded that if the county reduces the
6 ground rent by 52 percent as it is required to do, it is
7 feasible for the developer to include 50 affordable
8 units on-site of the proposed development. Fifty
9 affordable units is very close to full compliance as it
10 is 9.2 percent of the total units. Dr. Mare's analysis
11 is included in a written submission that was given to
12 the commission today. Contrary to (inaudible)

13 assertion, should a county rent subsidy trigger a
14 prevailing wage requirement, that would only increase
15 project costs by 3 to 5 percent, not 25 percent. In
16 conclusion, the developer's request to pay an in-lieu
17 fee should be denied because it is feasible to provide
18 50 affordable units on-site, and if any units are
19 feasible, the Mello Act requires that these units are
20 developed.

21 So secondly the developer's request for an
22 application to demolish these units should be continued
23 until such time as a full study of the incomes of the
24 tenants living in the building is undertaken.

25 Thank you for your time. My colleague, Deanna

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1 Kitamura, from the Western Center on Law and Poverty
2 will continue our Mello Act analysis when she speaks.

3 CHAIRMAN MODUGNO: Thank you.

4 Sir.

5 MR. FINE: Thank you. My name is Richard Fine.
6 I'm the attorney for the Marina (inaudible) Colony Two
7 Homeowners Association. I have to say that California
8 Supreme Court gives you a half hour, so I'm going to
9 jump around a certain amount, and I ask your indulgence
10 of being able to follow me. We have submitted a 13-page
11 letter that was submitted on Monday, which covers a
12 number of the things that are in the EIR, and I hope
13 that you have read it, and if you haven't, that you will
14 read it because that does point out a lot of the
15 problems that are occurring here, and specifically

16 points out the EIR that has been submitted is, in fact,
17 inadequate.

18 I would like to now go to a couple of the
19 highlights. First of all, as was stated by one of the
20 previous speakers, the LCP review is in process. The
21 1996 amendment to the LCP has never been reviewed, and
22 if you look at pages 2 and 3 of the letter, you'll see
23 the quotations from the LCP review showing that, in
24 fact, the county has to now go back and deal with the
25 problem of the LCP. The LCP has a traffic problem in it

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1 that requires other things to take place. So in fact,
2 the suggestion that you wait until May of this year when
3 the LCP review is here for the time to look at the
4 review is over just a few months from now would be a
5 very, very good suggestion because the LCP that they're
6 going under is not going to withstand the coastal
7 commission scrutiny. As you're aware, the coastal
8 commission could come in with legislation. That is my
9 first point.

10 The second point that comes in is traffic.
11 What has happened is that the LCP review did its own
12 traffic study, and that traffic study is far different
13 than the traffic study that has been given here. That
14 traffic study shows at Exhibit 7, Figure 2-37, 67,000
15 vehicles per day are on Lincoln Boulevard north of the
16 marina freeway, that 32,000 vehicles per day -- that's
17 different from the 32,000 vehicles per day that the EIR
18 is showing. Figure 2-38 shows that the peak p.m. hours,

19 1300 vehicles per hour enter Lincoln Boulevard to travel
20 southbound, and 1880 vehicles enter Lincoln boulevard to
21 travel northbound. This is a total of 3,180 vehicles in
22 the peak p.m. hours. The cap that the present LCP puts
23 into place is 2,810 vehicles. That cap prevents further
24 development, so based upon just the study that comes up
25 in the LCP review, we can't really have any further

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1 development, and that's the cap they're thinking of.
2 The other things that I would like to go into
3 is that the pictures of the development -- what's
4 happened here is you've sort of seen a half a site.
5 What is really taking place here is that this will be
6 the second highest building going from the main channel
7 of the marina northward and from the ocean into the Via
8 Marina. In fact, the only other building is the arch
9 stone tower. The arch stone tower was built in the
10 1970s, so basically what you have here is, you have an
11 area of single-family residences and small condominiums.
12 This particular area -- in fact, what has taken place is
13 an interloper in the marina peninsula. Nobody knows
14 quite how it got that way, but it's a little triangle
15 which really is somewhat unrelated to the marina. The
16 county has admitted already that it does not really fit
17 into place, so you have to really take that into
18 consideration as to what is actually occurring here.
19 The final thing -- and there'll be time to
20 repeat later -- is that the length of this building is
21 really 115 feet above sea level. what happened is that

22 even though Mr. Fricano has a little difficulty adding
23 75 and 25 to get to a hundred, once you get to the
24 hundred, the land here is 15 feet above sea level. So
25 you're at a hundred and fifteen feet whereas the land --

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1 CHAIRMAN MODUGNO: Sir, your time is up, but
2 from a clarification standpoint, all of our building
3 limits are from the site. If we were to talk about
4 height from sea level, we wouldn't be building very much
5 in this county.

6 MR. FINE: But the reason I make this --

7 CHAIRMAN MODUGNO: So again, thank you for your
8 time, and we will read the material that you are
9 submitting.

10 MR. FINE: The reason I make that comment is
11 very simply because everything surrounding this is at
12 sea level, so consequently when you're looking at
13 this --

14 CHAIRMAN MODUGNO: Sir, your time is up.

15 MR. FINE: Thank you very much, but I just
16 wanted to make that point.

17 CHAIRMAN MODUGNO: Ma'am.

18 MS. MEROWITZ: Good afternoon. I'm Janice
19 Merowitz (phonetic), Western Center on Law and Poverty.
20 I'm going to highlight some points that we made in the
21 letter that we produced to you.

22 The Mello Act mandates that if on-site units
23 are not feasible, then there must be an off-site
24 analysis. In this case KMA used a three-year-old

25 informal study to determine that 55 off-site units were

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1 not feasible, but the real question is whether any
2 off-site units are feasible, and that analysis has not
3 been done. Therefore, in-lieu fees would be
4 inappropriate.

5 You've put on testimony by (inaudible) saying
6 that the \$3.8 million can leverage additional units, but
7 this argument runs afoul of the Mello Act specifically
8 encouraging affordable units in the coastal zone and the
9 surrounding areas. The leverage argument is flawed as
10 the county's policy discusses an in-lieu fee should
11 cover the cost of the same number of units or more than
12 that. The Mello Act's purpose is to create new,
13 affordable units. Because it costs more than \$70,000 to
14 build a unit, the \$3.8 million will not build 55 units
15 in the Los Angeles County.

16 There's been a lot of discussion regarding the
17 density bonus. If a density bonus -- or if 55 more
18 units were created to cover the cost of the affordable
19 units, the specific cost of the affordable units, you'd
20 have a total of 599 units. That's far below the
21 original 78 units proposed by the developer, and there's
22 been no adequate assessment of whether 599 units are
23 feasible.

24 The last two points I have are rather
25 technical, and I'm going to take you to pages 6 and 7 of

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1 our letter. KMA natures of the feasibility special that
2 (inaudible) can't return on cost. The threshold is
3 important because if a project's return on cost is above
4 the threshold, then it is feasible. If it's below, then
5 it's not feasible. Here KMA said that return on cost
6 with affordable units is 7.3 percent. KMA came to the 8
7 percent number by starting with a 6.5 percent rate of
8 return and then adjusting upward because they said that
9 the units -- that the affordable units and because they
10 said that this is a leasehold. And although some upward
11 adjustment is warranted, KMA went too far. For example,
12 KMA said that if the project is 100 percent affordable,
13 you just up 1 percent, but here we would only have
14 10 percent affordable, so an adjustment up would only be
15 .1 percent. Our consultant believes that the threshold
16 should be 6.7 percent; therefore, 55 on-site units are
17 feasible. Also we have issues with the methodology
18 used. Which briefly in our work with the City of
19 Los Angeles, this L.A. housing department has determined
20 that internal rate of return or return on equity is
21 appropriate for apartments, and so using those --
22 analysis, we think that the county should use that
23 analysis as well.

24 CHAIRMAN MODUGNO: Thank you, ma'am.

25 Sir.

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1 MR. GOTTLIEB: I'm Dan Gottlieb (phonetic).

2 I'm a professor of mathematics, and I live in the marina
3 Colony Two, condo right next door to the project. And
4 I've read the notice of permit, and I find it very
5 difficult to understand, mostly because its very
6 imprecise usages of words. For example, they say that
7 the new project is flat. You can see on their own
8 exhibit map, the contour line is 20 feet going through
9 their project.

10 I have some notes on the staff report -- I
11 think that's what it's called -- where the checks are.
12 If you look at -- on page 24 in Section 4, population,
13 housing, enjoyment of recreation -- you have questions C
14 and D. Question C says, could the project displace
15 existing housing, especially affordable housing? Now,
16 202 units will be destroyed, and according to a meeting
17 that these developers had with their tenants, they
18 pointed out that they're paying less than anybody else
19 is in the unit in the marina. So affordable housing,
20 however you define it -- it seems to me that it's
21 cheaper than the standard rate. They're going to
22 destroy 202 affordable housing, and then they want to
23 eliminate the 55 that they're supposed to produce. So I
24 thought I'd mention that.

25 And then D should be a "maybe" at least because 97

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1 we have 202 units containing a substantial number of
2 displaced people. The question was, is there going to
3 be a substantial number of displaced people? So if 202
4 units is not substantial, then it's up to you to decide.

5 But again, it seems like we're always dealing
6 with very slippery words. And also at the bottom of
7 this section, it says, given the elements of a large
8 project being built on the marina, giving a no
9 significant impact to the question is my reading -- I
10 don't know how you say that -- could the project have a
11 significant impact, in quotations, "individually or
12 community"? I think marketing and no significance has a
13 total misunderstanding of what community really means,
14 given the fact that there's all these projects being
15 pushed on us.

16 Another thing I noticed while I walked around
17 the project is that there are six beautiful California
18 sycamore trees, and what lives in the California
19 sycamore trees are humming birds, and they fly over our
20 project, much to our delight. Now, if they destroy all
21 these things, then that -- and that is on page 25,
22 mandatory findings of significance; the question is
23 checked no -- it just might be relevant that there are
24 native species trees with birds that will disappear from
25 the marina if the project is approved.

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1 CHAIRMAN MODUGNO: Thank you, sir.

2 Ma'am.

3 MR. GOTTLIEB: Thank you.

4 Oh, in answer to Ms. Valadez's question, I have
5 a paper in which I wrote the height of all the buildings
6 that were from before or after the project.

7 COMMISSIONER VALADEZ: Yes. Thank you.

8 MR. GOTTLIEB: Can I also submit, then, what I
9 just spoke of so you can add it to my other material?

10 COMMISSIONER VALADEZ: Thank you very much.

11 CHAIRMAN MODUGNO: Ma'am.

12 MS. ANDREWS: Hello, My name is Carla Andrews.
13 I've been a resident of -- well, first I'd like to say
14 I'm a member of POWER, and we're a community group that
15 works on issues that the community cares about and like
16 affordable housing. In the past year we've won over
17 \$25 million in affordable housing, so that's something
18 to be proud about.

19 I'm also a resident of Marina del Rey for 22
20 years. For the last six years I have witnessed hundreds
21 and hundreds of people displaced from this community and
22 their homes -- several made homeless. Twenty years ago
23 the one thing that people could say about Marina del Rey
24 was that the rents were fair and reasonable. It was a
25 place for working and middle-income people. There were, 99

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1 for all tract houses, recreational facilities that would
2 serve all of Los Angeles. Now it's becoming an
3 urbanized club for the super wealthy and a place where
4 working and middle-income people struggle to afford
5 their rent. We are creating homelessness back to
6 affordable housing.

7 There is a state law called the Mello Act put
8 in place in the early '80s for precisely this reason, to
9 encourage gentrification in the coastal zone and to
10 allow people in Marina del Rey to be in an area where

11 all classes of people can live. I think it's horrific
12 that we have to come here, again, to beg for on-site
13 affordable housing while we watch hundreds of people be
14 displaced every time a project goes through here.

15 There is a problem with the Mello Act, and that
16 is that the county commissioners and local politicians
17 are too scared to enforce it. And I think these are
18 small craft harbor (inaudible). As regional planners,
19 it's your duty, and you owe it to this community, to
20 find the courage to make the county live up to the
21 intent of the law -- provide the on-site affordable
22 housing they are both legally and morally obligated to.

23 A fair and reasonable return on investments
24 should be the order of business over market value.
25 Affordable housing is a poor stake, and the county

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1 sending it back to you was the intent of the law. There
2 is no reason that this bid, which is no-bid contract,
3 should get in-lieu fees. We can wait until this project
4 ends its lease which isn't too far from now. We can
5 have the bid. We can decide, then, what's best for that
6 property. We don't need to do this now.

7 CHAIRMAN MODUGNO: Thank you, ma'am.
8 Sir.

9 MR. KLEIN: My name is Donald Klein. I'm
10 president of the Coalition to Save the Marina. Just in
11 case for any of you or people here, Marina del Rey is
12 public land. I wanted to make that clear at the outset.
13 Originally, I wanted to go back a little bit to the

14 original plan for the marina. The county hired a
 15 consultant to design the general plan for the marina
 16 which is based on the per-capita number of boat slips
 17 available along the California Coast, and Los Angeles
 18 County had the lowest per-capita number of boat slips in
 19 Southern California. Now this area known as Marina del
 20 Rey was then developed as a small craft harbor and
 21 dedicated for boating recreation.

22 However, in the past years developers in
 23 concert with the county have taken or planned to take
 24 most of the coastal-dependent land needed for boating
 25 support facility and visitor parking. Twenty new,

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1 native developments are planned which is the county
 2 asset-management-strategy program represents a
 3 combination of Disneyland/Third Street promenade and
 4 retail malls along with high-density, high-rise
 5 structures, creating shadows and blocking views and
 6 massive traffic congestions already being realized on
 7 Lincoln Boulevard, if you've been down there, and the
 8 surrounding arteries. The infrastructure cannot support
 9 this type of reverse engineering. The marina was never
 10 designed for this land-use plan if you look back at
 11 those early development plans.

12 with the Marina del Rey Local Coastal Program
 13 being reviewed, we've waited 12 years for that, so we
 14 have a consent decree with the coastal commission and
 15 forced them to do this plan -- envision of their
 16 dragging their feet. Anyway they're very concerned with

17 these controversial projects, and they issued a
18 one-hundred-and-forty-four-page draft recommendation to
19 the county for future building, and the county --
20 Beaches and Harbors -- has not officially responded to
21 this request. However, they are continuing at a fever
22 pace to pass these construction projects, and I'm a
23 little bit concerned with that -- seems to be the way
24 they're doing things.

25 Anyway, the key word here is active public use, 102

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1 and the question in my mind is, how is that compatible
2 with the housing of private individuals on public land
3 in perpetuity? And finally my question here and my
4 problem with this all is the quality-of-life impact from
5 all of these projects. And thank you very much for your
6 time.

7 CHAIRMAN MODUGNO: Thank you, sir. Ma'am.

8 MS. GARRETT: Yes, my name is Helen Garrett.
9 I'm also a member of POWER. POWER and all of you have
10 helped me become a resident of Marina del Rey in an
11 affordable unit. I'm one of those people that is
12 benefiting from your kind consideration.

13 If the developer in my project had had his way,
14 he would have paid an in-lieu fee, and I would have been
15 homeless five years hence. You have saved me from the
16 street, and there are many more people in my (inaudible)
17 who need to live in Marina del Rey.

18 Also I might add that since I've moved into the
19 marina, my asthma medication has been halved. I no

20 longer have as serious an asthma condition as I had the
21 last time that I was here. As you recall, I had to run
22 out of here because I was having an asthma attack the
23 last time I was in here.

24 The Mello Act has two purposes -- the first, to
25 create affordable housing. To me, that's the most

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1 important thing for people of this county of
2 Los Angeles. There are lots of moms who have children,
3 have no place to live, and we can provide them with good
4 housing in the marina.

5 The second is to protect the coastal zone from
6 gentrification. That coast belongs to me. It belongs
7 to me, and it belongs to the people, and you need to
8 keep that coastal zone available to all of us. It
9 cannot become a preserve for the wealthy. It must be a
10 place where everyone can live.

11 Reducing the rent -- that really bothered me
12 when they said that if they reduce the rent in the
13 marina, that they'll reduce their services to the poor.
14 First of all, I want to see some figures that prove
15 that, and second of all, I want to know which supervisor
16 specifically would have the gall to reduce services to
17 the poor while providing homes for low-income people. I
18 don't think there's a supervisor on the board who would
19 do that. I hope you wouldn't.

20 And finally, I need to talk to you about
21 congestion. You know, I lived there a month, one month.
22 I have a rule. Don't leave home after 3:00 o'clock.

23 You can't get there. You cannot believe the marina
24 after 3:00 o'clock. Now, I babysit for a little bit of
25 extra money, and I babysit in Culver City. I have to go 104

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1 hours ahead to my babysitting job because I can't get
2 out of the marina. It's impossible. Just don't go
3 towards Culver City. And if you want to -- and then
4 they're going to take the marina freeway and dump it
5 onto Panay Way. I won't be able to get out of my
6 building, folks.

7 I'm appealing to you. Please think about
8 people who are homeless, near homeless, working people
9 who work all their lives who need a place to live and
10 don't need to live in San Bernardino where their asthma
11 is a whole lot worse. It's a rising problem in this
12 area. Thank you very much for coming today.

13 CHAIRMAN MODUGNO: Thank you, ma'am.

14 Sir.

15 MR. ROSENFELD: My name is Michael Rosenfeld.
16 I live at 3742 Via Dulce in the Marina (inaudible)
17 Colony Two. I'm a director of the homeowners
18 association. I'd like to secede my minutes to Richard
19 Fine, if I may.

20 CHAIRMAN MODUGNO: Actually, I'm not going to
21 allow seceding this morning because of the limited time.
22 We've only got another five minutes, so if you want to
23 speak, speak.

24 MR. ROSENFELD: Thank you. I sent a letter in,
25 and I'll summarize some of the points, the major points

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1 of my letter. The area is comprised of residential
2 two-story apartment buildings and single-family
3 residences with the exception of one high-rise
4 structure. That's the arch stone. There is significant
5 negative impact on the quality of life in our complex
6 and the adjacent area, should this project be approved,
7 given its height and density.

8 There's an almost threefold increase in height
9 of the proposed project, and that will prevent light and
10 breeze from reaching the east side of the complex. It's
11 almost a threefold occupancy that will greatly increase
12 noise levels and air pollution. The loss of privacy as
13 all the units of the proposed project are above the
14 second floor -- those being the two levels of parking --
15 will have unhindered views of our patios and into our
16 homes.

17 The great increase in parking congestion,
18 particularly on Via Dulce. The only available street
19 parking is on Via Dulce, and it's in front of our
20 complex. Tenants from Del Rey Shores currently park on
21 our street even now, and with other kinds of vehicles,
22 SUVs, and trucks, we've lost many of the normal parking
23 spaces. Compact parking permits to the Shores must be
24 denied. The significant increase in traffic on Via
25 Dulce since the projected Via Marina access provides for

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1 a right turn only, and that will bring traffic along Via
2 Dulce, increasing it significantly. The route of all
3 traffic onto Marquesas and Via Dulce exits from the
4 marina area in this area in front of our home owners'
5 complex. There's also an increased negative impact on
6 the traffic safety on Via Dulce as the two access
7 driveways for our own complex are hidden from oncoming
8 traffic due to the continuous curve in the street. And
9 we've already had several accidents due to this design.
10 Increasing the traffic is just going to make this worse.

11 There are presently four other large complexes
12 under construction in the marina. The infrastructure is
13 taxed. Fire, sheriff services will be inadequate.
14 Water and sewage is inadequate. It is just not thought
15 through. The vast increase in paved areas will create
16 water runoff problems and flooding. We've already
17 experienced this. I believe that increased development
18 of this nature will continue that problem. And finally,
19 it will, I believe, have a negative impact on the value
20 of our homes with the encroachment of a hundred-foot
21 structure looming over our complex. I thank you for
22 giving me the opportunity. I hope you can make the
23 right decision.

24 CHAIRMAN MODUGNO: Thank you. This will be the
25 last speaker today.

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1 MR. ETTER: My name is Hans Etter. I'm a
2 resident in Marina del Rey, and what I wanted to say
3 about this project is that if you can't put people in

4 affordable housing in the public, then where are you
5 going to put it? You can't just dump poor people in the
6 desert. They don't exist in a vacuum. They have
7 families. They have jobs here. They go to local
8 churches. They have their kids in school, and you know,
9 they have loved ones buried in local cemeteries, and
10 they are part of this society and this community, you
11 know. And like the previous speaker talked about is
12 their health. You know, by pushing these people out and
13 not giving them the right to affordable housing, you're
14 basically taking away their right to life, quality of
15 life.

16 This particular developer claiming that it's
17 not feasible -- well, I think he's a wrong developer.
18 He's a weak developer if he can't be in business in this
19 marina for such a long time, and he can't handle a
20 project of this size. This property should be let --
21 and the lease should be let to be expired, and it should
22 have a public bidding so we can get a qualified
23 developer, a qualified project that is in compliance
24 with all the laws and regulations, and also has the
25 support of the community.

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1 why is it that every project comes into this
2 marina, that the public has to fight with lawyers,
3 community organizations, and the Beaches and Harbors
4 doing every best it can to corrupt the public input?
5 Tomorrow is the first time we're going to have the night
6 meeting for the (inaudible) beach project. That's the

7 first time in maybe six months, I think. We had eight
8 years before we had a public meeting at night where
9 people can actually attend it. Everybody in this room
10 has to take off from work, from whatever you're doing,
11 come down, sit in here and listen for two hours of
12 drive from the developer how good they are to the
13 community, when in fact, if you spoke to anybody from
14 the community, you would hear about the horror stories
15 from this particular developer on previous projects
16 which was marina harbor where they kick out hundreds of
17 boat owners. And especially live-aboards -- they had a
18 home, affordable housing on the boat, and they weren't
19 even allowed to come back even though they were making
20 slips for them. Still to this day they have empty slips
21 on that particular project, and they won't let those
22 boat owners coming back. And the sheriff's department
23 have seized those vessels because they have nowhere to
24 go in the marina.

25 And this developer has a poor record,

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1 absolutely horrible record, and this project, if you're
2 letting this developer go ahead with this affordable
3 housing -- in-lieu fee for affordable housing, you would
4 have a stampede of the rest of the developers. And it's
5 absolutely unconscionable to not providing affordable
6 housing on public land. This is one of the things you
7 have to really make a good impact on the community and
8 the lack of housing. Thank you.

9 CHAIRMAN MODUGNO: Those of you who wanted to
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10 speak and did not have an opportunity to do so, we will
11 set a date for a continuation of this hearing. At that
12 point in time, we'll take additional comments, and we
13 will allow the applicant their rebuttal period. During
14 the interim, you still have a full opportunity to
15 provide anything that you want to in writing which will
16 be part of the record.

17 UNIDENTIFIED SPEAKER: Where should we make
18 that?

19 CHAIRMAN MODUGNO: Dr. Fricano will speak with
20 all of you if you want to submit.

21 DR. FRICANO: I'll take any additional input
22 from anyone, and I can make sure that is included in
23 staff's next report.

24 UNIDENTIFIED SPEAKER: And also (inaudible).

25 CHAIRMAN MODUGNO: We will.

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1 MR. MENESES: We would recommend March 1st.

2 COMMISSIONER REW: Mr. Chairman. I'm also
3 concerned that I would like -- Dr. Fricano, I would like
4 a thorough study and perhaps with some drawings about
5 the tandem parking and the parking-management program --
6 more thorough than what we have today.

7 In order to provide additional -- I would move
8 that, in order to provide additional time to address
9 issues presented at this public hearing, I move that the
10 Regional Planning Commission continue the public hearing
11 for Project Number R2005-00234, Coastal Development
12 Permit Number 2005-00002, Parking Permit Number

13 2005-00004, and Variance Number 2005-0004 to March the
14 1st, 2006, to be held at 9:00 a.m. in the Regional
15 Planning Commission hearing at this location.

16 COMMISSIONER VALADEZ: Second.

17 CHAIRMAN MODUGNO: We have a motion and a
18 second. Any discussion?

19 All in favor, say aye (all present --
20 Commissioners Bellamy, Valadez, Modugno, Rew). Motion
21 is carried. The continuation of this hearing, then,
22 will be March the 1st.

23 Again, if you have anything you want to submit
24 in writing to be provided to Dr. Fricano -- doesn't have
25 to be today -- just get it in anytime between now and

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1 our next meeting.

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March 1, 2006

Los Angeles, California, Wednesday, March 1, 2006

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CHAIRMAN MODUGNO: Now, we'll return to Project Number R2005-00234 in the 4th District, Coastal Development Permit 2005-00002, Parking Permit 2005-00004, and Variance 2005-00004. This is Del Rey Shores Joint Development -- Joint Venture. Dr. Fricano.

COMMISSIONER VALADEZ: Mr. Chair.

CHAIRMAN MODUGNO: Yes.

COMMISSIONER VALADEZ: I have an ex parte communication with respect to this matter. I sit on a nonprofit board with one of the consultants for the developer, and we did speak briefly but only with respect to the fact that that we would be seeing each other at this point.

CHAIRMAN MODUGNO: Thank you. Any other ex parte communications?

COMMISSIONERS: None (Commissioners Bellamy, Helsley, Rew).

CHAIRMAN MODUGNO: Thank you.

Dr. Fricano.

DR. FRICANO: Mr. Chairman, members of the Commission, good morning. For the record, I am Russell Fricano of the Zoning Permits II section, and this is a

1 request to authorize the demolition of an existing
2 202-apartment unit complex and subsequent construction
3 of a 544-unit apartment in the Residential V category of
4 Marina del Rey Specific Plan.

5 The Regional Planning Commission initially
6 heard this case on January 25, 2006, and continued the
7 case to this date to provide additional time for the
8 applicant to submit a more detailed parking-management
9 plan and an analysis of tandem parking. This morning I
10 will provide a recap of the previous hearings and report
11 on the status of other activities associated with this
12 case.

13 At the January 25th hearing the commission
14 inquired about various issues related to the case: The
15 overall height of the structure in reference to the
16 height permitted in the Marina LCP; further questions
17 pertaining to on-site parking; whether the LCP permitted
18 additional building area or density sufficient to
19 provide additional units; and whether there were
20 affordable units located in the existing apartment. An
21 inquiry regarding trends of vehicles used in the marina
22 to correspond with parking provided was also inquired
23 about.

24 Those testifying in favor of the request noted
25 that the proposal was needed to respond to current

Page 2

1 market trend, was consistent with the Marina LCP, and
2 minor modifications in design would not affect the
3 conclusions of the Draft Environmental Impact Report.
4 The proponents commented on their reason for requesting
5 the in-lieu fee, and representatives of the applicant
6 also responded to Commission questions regarding project
7 design, parking, and signage. Representatives of the
8 Department of Beaches and Harbors and the Community
9 Development Commission also testified in favor of the
10 request and citing that the project followed parameters
11 of the LCP and the approval of the Design Control Board
12 and contributions to the construction of affordable
13 units elsewhere which would be combined with other
14 subsidies.

15 A member of the Marina Lessees' Association
16 presented testimony in favor of the request, stating the
17 project would provide redevelopment and much needed
18 housing and that it was consistent with the Marina LCP,
19 and a representative of a lessee in the vicinity of the
20 site also testified in favor of the request. However,
21 the representative requested that a full analysis of
22 sewer-line capacity was missing from the Draft EIR, and
23 there was also a discrepancy in the report cited in the
24 Draft EIR. There was a report mentioned another study
25 in the appendix.

Page 3

1 Ten persons testified in opposition, and
2 opposition testimony consisted of concerns expressed on
3 environmental impacts, plan consistency, and the
4 provision of affordable housing. The testifiers
5 expressed concerns regarding the height of the proposed
6 structure and impacts on shadowing, privacy, ocean air,
7 traffic, curb-side parking, runoff and flooding, sewage
8 disposal, and biota. According to the testifiers,
9 capped oil wells and toxic waste were not adequately
10 addressed.

11 Another testifier noted that the project was
12 presented prematurely due to a periodic review of the
13 marina, and the testifier also noted that further biotic
14 analysis was required, and the traffic mitigation was
15 not reasonable. The testifier also noted a loss in
16 moderate-income housing and displaced persons. Others
17 questioned whether the project was consistent with the
18 original intent of the marina which they claim was a
19 small-craft harbor.

20 Those concerned about the provision of
21 affordable housing were in opposition to the in-lieu fee
22 request. In their opinion the replacement housing
23 obligation of the Mello Act has been overlooked. The
24 developer is replacing demolished units with market-rate
25 units which in their opinion do not correspond to the

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1 household income of tenants in the existing building,
2 and a full study of the income of tenants must be
3 conducted. It was also suggested that the county must
4 reduce ground rents to make affordable housing feasible
5 according to the testifier, and it is feasible to
6 provide affordable units on-site.

7 Another testifier questioned whether the
8 applicant conducted an adequate assessment of providing
9 additional units to cover costs of affordable units.
10 Concerns were also expressed regarding misplacement to
11 existing residents and gentrification of the Coastal
12 zone and whether private housing should be provided on
13 public land.

14 At the conclusion of the January 25th hearing,
15 the Commission requested that the applicant provide a
16 detailed parking-management plan and analysis of tandem
17 parking. The Commission continued the public hearing to
18 March 1st. According to the Commission's request, the
19 applicant did provide a parking-management plan and more
20 detailed renderings of proposed parking which I have
21 attached to your package. A written parking analysis
22 and management plan was submitted by the applicant's
23 consultant, Walker Parking Associates in their report,
24 Shores Apartment Complex Project Parking-Management
25 Plan, dated February 15th of 2006. The report covers

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<p>1 proposed parking layout, methods of operation, security, 2 and parking-space allocation.</p> <p>3 The environmental consultant prepared responses 4 to environmental issues raised at the previous public 5 hearing, and the report, Responses to Regional Planning 6 Commission Issues for the Hearing of January 25th, 2006, 7 and a copy of this report was also attached to your 8 package.</p> <p>9 I'm going to briefly summarize the issue in 10 response to comments. The first issue was distance of 11 the proposed project from existing residential units to 12 the west, so the applicant prepared a map clarifying 13 distances provided. Consistency of project scale with 14 similar projects in the vicinity -- the consultant 15 submitted site plans indicating permissible heights and 16 heights of approved projects in the area. The height of 17 the structure on Parcel 103 was at a greater elevation, 18 and those to the west were lower.</p> <p>19 Next issue was whether the proposed structures 20 would obstruct wind patterns and reduce air circulation, 21 and the response cited the wind study conducted by 22 Rowan, Davies and Irwin, which concluded that wind 23 pattern would not be affected, and they also provided 24 diagrams of wind roses or wind patterns.</p> <p>25 The next issue was shading impacts, and the</p> <p style="text-align: right;">Page 6</p>	<p>1 lessee, while in favor of the request, had concerns 2 regarding cumulative sewer impacts, need for a 3 fire-safety plan, more detailed grading plans, and the 4 letter suggested various conditions of approval to 5 address noise, traffic, displacement of tenants, and 6 impacts to archaeological resources. The letter was 7 distributed in your package this morning.</p> <p>8 In a letter dated February 24th, 2006, the 9 Legal Aid Foundation for Los Angeles provided further 10 comments regarding the in-lieu fee request, and the 11 letter presented issues involving compliance with the 12 Mello Act and the status of existing residents and 13 evaluated the analysis and methodologies used by the 14 applicant.</p> <p>15 In a letter dated February 28th, Richard Fines 16 provided additional comments which questioned the 17 adequacy of the analysis concerning development 18 capacity, environmental safety, visual impacts, wind, 19 water, and sewage impacts and traffic mitigation.</p> <p>20 A local resident submitted an analysis of 21 on-street parking in the vicinity of the project. The 22 report compared parking spaces with the number of 23 dwelling units, commercial development, and boat slips. 24 And the study noted concerns with the owners of multiple 25 vehicles parking on the street and parking by visitors</p> <p style="text-align: right;">Page 8</p>
<p>1 applicant's consultant provided some shadow diagrams -- 2 were submitted. And in doing the study they used the 3 City of Los Angeles standards because the residents in 4 the adjacent development were located within the 5 jurisdiction of the City of Los Angeles.</p> <p>6 The next issue was a discrepancy between sewer 7 report cited in the Draft EIR and not listed in the 8 appendix of the EIR, and the comment was that the study 9 listed in the Draft EIR Appendix was also used in the 10 EIR analysis, and that was available at the Department 11 of Regional Planning.</p> <p>12 The applicant's signage consultant, Beck and 13 Graboski, submitted signage plans depicting the location 14 of proposed signage, sight renderings, square footage 15 calculations, and the comparative analysis of comparable 16 signage in other parts of the marina, and I attached 17 that to your package.</p> <p>18 Since the January 25th hearing, we have 19 received additional public comment, which I'm going to 20 summarize for you briefly. First concerning the 21 proponents, the project applicant has submitted a letter 22 in response to issues presented by Richard Fines, the 23 attorney representing the Marina Strand Colony II 24 Homeowners' Association, in his correspondence dated 25 January 20th of 2006. A representative of a nearby</p> <p style="text-align: right;">Page 7</p>	<p>1 outside the area. Other residents expressed concern 2 about traffic congestion, building height, architectural 3 design, and impacts on shading and wind patterns.</p> <p>4 Staff also received some additional letters 5 from local residents who expressed concerns on traffic 6 congestion and building heights and visual impacts, and 7 I attached the additional comments to your package, and 8 some additional letters were submitted to you this 9 morning that I just received.</p> <p>10 I also wish to note that on February 27th I met 11 with Dan Christy, a representative of the Marina Strand 12 Colony II Homeowners' Association, which is the project 13 to the west of the site. Our meeting was held at that 14 site, and Mr. Christy noted various issues concerning 15 runoff and adequacy of drainage, traffic safety, 16 emergency access for the development easterly of the 17 project, curb-side parking, congestion, and cumulative 18 effects of various projects proposed or under 19 construction.</p> <p>20 Finally, based upon discussions following the 21 January 25th, 2005, hearing, staff -- excuse me, 2006 22 public hearing -- staff notes that the applicant may 23 have considered other options regarding current 24 applications. The applicant may provide the status of 25 this this morning.</p> <p style="text-align: right;">Page 9</p>

1 Staff recommends that the Commission hear
2 further testimony, consider whether materials and
3 responses provided by the applicant sufficiently address
4 the potential impacts and community concerns, and if the
5 applicant modifies their request, a continuance would be
6 advisable. But staff also requests that staff needs
7 additional time to research the affordable housing
8 issue, so we request that testimony this morning or
9 discussion be limited to architectural-design issues or
10 environmental impacts, and we did receive a significant
11 amount of comment on those issues as well.

12 And that concludes my presentation.

13 CHAIRMAN MODUGNO: Thank you, Dr. Fricano. Any
14 questions at this time? None.

15 All right. We will proceed then with opening
16 the public or reopening the public hearing. We'll ask
17 anyone in the audience who wants to speak on this item
18 or the other item that's on our agenda this morning, if
19 you'll please stand to be sworn in. Would you please
20 raise your right hand.

21 Do you and each of you swear or affirm under
22 penalty of perjury that the testimony you may give in
23 the matter now pending before this Commission shall be
24 the truth, the whole truth, and nothing but the truth?
25 If so, please say I do.

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1 SPEAKERS: I do.

2 CHAIRMAN MODUGNO: All right. You may be
3 seated. Applicant step forward. We'll allow 15 minutes
4 for applicant presentation.

5 It's my understanding from staff report that
6 the affordable housing issue is not going to be
7 discussed this morning. Is that right, Dr. Fricano?

8 DR. FRICANO: Staff is not quite prepared to
9 discuss this issue at this point. We would like to
10 conduct some additional research.

11 CHAIRMAN MODUGNO: All right. But testimony
12 can be addressed toward that if people are here to
13 address it?

14 DR. FRICANO: Yes, we can still take their
15 testimony.

16 CHAIRMAN MODUGNO: That would be part of the
17 public record; correct?

18 DR. FRICANO: Yes, it will.

19 MR. GOLDSMITH: Good morning, Honorable
20 Commissioners, my name is Dale Goldsmith. I'm a partner
21 with the law firm of Armbruster and Goldsmith,
22 representing the applicant. I have here with me this
23 morning various members of the project team who will be
24 available to answer any detailed questions you may have,
25 including Ron Hirsh, the traffic consultant; Bill

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1 Francis of Walker Parking who did the parking-management
2 study; Dale Yonkin of Nadel, the project architect who
3 can address architectural issues; and also Aaron Clark
4 here of our office who has been shepherding the project
5 through the county planning process.

6 I'd like to thank Dr. Fricano for his very
7 comprehensive summary of the issues that have been
8 presented to you. We will focus our testimony on the
9 land-use issues in accordance with the suggestion of
10 Dr. Fricano, realizing that there are still other issues
11 with respect to affordable housing that need to be
12 fleshed out more fully. And we're hopeful that you'll
13 have enough information before you this morning so that
14 you'll be able to indicate your intent with respect to
15 the land-use approvals -- well, the current
16 consideration of the affordable housing issues when you
17 have sufficient information before you.

18 I'm going to speak very briefly to four issues
19 that we have heard in the previous testimony at the
20 previous hearings: CEQA and project issues, the issue
21 of compact parking, the sign variance, and some overall...
22 design concepts.

23 With respect to the CEQA and other
24 project-related issues, I believe that this is very
25 comprehensively addressed in the report by Impact

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1 Sciences as part of your package which deals with most
2 of the, if not all of the, major issues that surfaced
3 from the previous hearing and in the correspondence. In
4 addition, I have submitted a letter dated the 22nd of
5 February which contains a point-by-point response to
6 some of the concerns that were addressed in
7 correspondence and orally at the previous hearing. I'm
8 available to talk in detail with respect to any of those
9 issues, but because that is in your package, I won't
10 take up your time this morning.

11 With respect to the request for compact parking
12 spaces, I just want to make a few basic points. The
13 county code allows for up to 40 percent parking spaces.
14 The request here is only for 30 percent, so the project
15 would not be providing the fullest that could be asked
16 for under the current county regulations.

17 With respect to the amount of parking -- of
18 tandem parking, the parking-management plan contains a
19 survey of existing tenants and national surveys which
20 indicate that about 50 percent of the population
21 nationally and 68 percent of the current tenant
22 population on the site drives compact or medium-size
23 cars. So with that in mind, 66 percent of the requested
24 compact spaces are tandem, which is coupled with the
25 standard-size parking space. The overall width of those

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1 spaces is 8.8 -- 86 inches wide. That's really wide for
2 any size vehicle. The length of the tandem spaces which
3 have been included -- compact plus the standard is 33
4 feet. That's large enough for most combinations of
5 vehicles. If you had a midsize and a midsize, it's big
6 enough. If you had a large vehicle and a compact or
7 midsize, that would be long enough. You'd only have
8 some concerns if you had a tenant with two large
9 vehicles back to back, and the parking-management plan
10 provides that the parking management will have
11 flexibility to assign spaces for those tenants who have
12 two large vehicles so that they would have nontandem
13 spaces, so we believe that the request is very well
14 taken and supported in detail by the parking-management
15 plan which was submitted to the Commission as part of
16 your package.

17 With respect to the sign variance, the project
18 is proposing two identification signs -- project
19 identification signs about 800 feet apart on Via Marina.
20 The other sign is directional in nature, and as shown on
21 the chart that we brought -- and I believe that there
22 were previous handouts submitted to the Commission --
23 many of the signs in and around the marina for similar
24 projects are much larger than the proposed signage for
25 this project. We believe that our signs are very

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1 existing development.

2 In addition, the project applicant made
3 considerable effort to reduce the size of the project
4 from the maximum permitted under the LCP in order to
5 reduce potential impacts in the project community. As
6 you will recall, the LCP would allow up to 225 feet in
7 height; the proposed project is only 75 feet, or 150
8 feet less than would be allowed under the Certified LCP.

9 In addition, the project contains abundant open
10 space. The design yields 2.35 acres in interior
11 courtyard and 2.92 acres of open space along the
12 perimeter, and the perimeter open space includes fully
13 landscaped areas on all sides of the project facing the
14 public streets as well as the private alley. In
15 addition, as shown in the shade and shadow diagrams that
16 were submitted as part of the Impact Sciences package,
17 the project will not cast significant shadows on the
18 neighbors to the west. And the condominium project, the
19 Marina Strand Condominium, is between 71 feet at its
20 narrowest to 87 feet at its furthest away from the
21 project site and is buffered by some storage uses along
22 the existing private alleyway. In an effort to address
23 some of the concerns of the condominium owners, our
24 client's representatives met with some of the board
25 members of the condominium association just yesterday in

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1 consistent with the as-built environment and the other
2 projects that are in and around the marina.

3 In addition, in order to minimize potential
4 aesthetic impacts, the signs have a sculptural design.
5 They are stainless steel. There's a design idiom that's
6 designed to be consistent with the overall architectural
7 theme of the project, and we believe that will make the
8 signage aesthetically pleasing and would reduce any
9 potential impacts from having signage larger than code
10 would allow by right, but again much smaller than other
11 projects in and around the project vicinity.

12 With respect to overall design concepts -- and
13 we have boards here to refresh your recollection of what
14 the project will look like -- the project design team
15 spent almost two years studying various alternatives in
16 order to determine the optimal design for the project,
17 and we believe that the proposed design best achieves
18 the county's objectives of providing more housing in the
19 marina, remaining in scale with the present and proposed
20 development in the vicinity. And I believe the report
21 by Impact Sciences which is part of your package
22 contains a survey of both the proposed and existing
23 development in and around the project vicinity and
24 concludes that the project is consistent in scale and
25 massing with that proposed existing -- proposed and

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1 an effort to address their concerns.

2 The project's goal is to provide not the
3 upper-most luxury unit for the marina, but really
4 midrange rents for the marina, and we can do that by
5 constructing a project in wood frame so that the
6 construction costs are lower. And in that regard, we
7 believe that we will help further the range of housing
8 opportunities within the marina consistent with not only
9 the LCP but also the broader public policy objectives of
10 the county.

11 I thank you for your consideration, and I'm
12 available for any questions you may have.

13 CHAIRMAN MODUGNO: Okay. Was Mr. Clark going
14 to speak or no?

15 MR. CLARK: Just for questions.

16 CHAIRMAN MODUGNO: All right. Mr. Hafetz, did
17 you --

18 MR. HAFETZ: I just wanted to make sure that
19 the record is clear, and I think you were -- you did
20 clear it, but I want to make sure it's clear as well.
21 The issue of the low-income housing is perfectly
22 acceptable for people to testify today. There can be
23 discussion from the commission; there can be questions,
24 et cetera. The applicant chooses right now not to
25 address it, it's his choice, not because anyone

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1 instructed. Staff hasn't recommended not to discuss it.
2 I just want to make sure because it has been the subject
3 of a lot of written material. Certainly people probably
4 came here to address it, and they have the full range to
5 do that.

6 CHAIRMAN MODUGNO: All right. Thank you.
7 Questions of the applicant? Commissioner
8 Valadez?

9 COMMISSIONER REW: Mr. Chairman.

10 CHAIRMAN MODUGNO: Commissioner Rew.

11 COMMISSIONER REW: Following up on Mr. Hafetz's
12 comment, staff is requesting a continuance to study the
13 issue of low to moderate housing. If the applicant is
14 going to change their position at all on that issue, I
15 would think staff would want to know about it and not be
16 in the dark in their research. That's what I'm . . .

17 MR. HAFETZ: I would agree with that.

18 COMMISSIONER HELSLEY: I think we have to go
19 one step further, excuse me, with that issue, and that
20 is, if there's going to be a change in position, the
21 staff needs to know, but the general public needs to
22 know it too.

23 COMMISSIONER VALADEZ: I think this is a
24 starting point for this discussion. I believe that
25 staff is asking for time to be able to research issues

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1 which have come up which they have not had time to be
2 able to resolve. I think that perhaps as a result of
3 the research staff will be undertaking, there may be
4 changes in the applicant's position, but until staff has
5 the time to be able to look at it, they are not able to
6 work with the applicant and discuss with the applicant
7 any decisions or research that they've undertaken. And
8 they are not prepared clearly to do anything on the
9 record today until they get more information. I would
10 not want the applicant to take a firm position in either
11 direction today if, in fact, they're not prepared or
12 don't have the information that they need to be able to
13 do that or to have to either get back or attempt to
14 defend a decision that they make today without having
15 all the information that staff is working on.

16 COMMISSIONER REW: Commissioner, I agree with
17 you. The only reason I brought it up is to then
18 encourage staff and the developer, if there are going to
19 be some changes during this continuation period, that
20 they do communicate with one another.

21 MR. GOLDSMITH: Absolutely, Commissioner.
22 These are extremely complicated issues that have
23 marina-wide implications, and we feel we need to work
24 collaboratively with staff so when we come back to you,
25 we have an appropriate solution.

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1 COMMISSIONER VALADEZ: I think this is -- this
2 is a second point that I wanted to make. I think this
3 is especially important because we're dealing, not just
4 with the regional planning staff, but we're also dealing
5 with staff from other departments such as Beaches and
6 Harbors, et cetera, which are all involved in this
7 issue, and it's a very complex issue and one which needs
8 to be worked out amongst various departments, not just
9 our staff and not just regional planning department,
10 so -- and obviously, the applicant.

11 CHAIRMAN MODUGNO: Well, I think what this puts
12 us in a position, at least from my perspective -- you
13 asked at the beginning that we look at this from the
14 land-use portion of it today and then have some
15 subsequent if we have subsequent discussions as far as
16 the affordability issue. And yet the determination of
17 that affordable issue may cause you to want to do
18 something different in the overall design -- may or may
19 not -- and as Commissioner Valadez pointed out, there's
20 certainly an economic, driving force here that involves
21 a ground lease with Beaches and other areas of the
22 county.

23 So we're sitting here where there's multiple
24 players involved in this process, and we've got this
25 whole discussion with the Mello Act that in many

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1 respects, I agree with some of the correspondence which
2 has come in has been somewhat ignored or put aside and
3 jumping right to the in-lieu without a full analysis. I
4 don't think the people in Sacramento were just jockeying
5 around with discussion in terms of the Mello Act. It
6 was approved by both houses of the legislature and
7 signed by the governor and became law. And so it's not
8 something we just categorically pass on without an
9 in-depth analysis with that, and so I think all of that,
10 part and parcel, has to go to the point that it may be
11 difficult to make a land decision if, indeed, the
12 affordability issue changes some of the dynamics.

13 MR. GOLDSMITH: That's an excellent point,
14 Chair. I believe, though, that the issue of the Mello
15 Act, though extremely important to your deliberations,
16 is essentially an economic and financial issue as
17 opposed to a design issue. My hope was to the extent
18 that we could get some closure on some of the other
19 issues today, that we could do that so that at the next
20 hearing when we're discussing the very important and
21 potentially precedent-setting issue of the affordable
22 housing, we could focus on that in an effort to just
23 move things forward.

24 CHAIRMAN MODUGNO: All right. I understand
25 that.

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1 COMMISSIONER REW: Mr. Chairman, if we're
2 finished with that, I do have a question regarding the
3 parking-management program, whether one of you can
4 answer it or whether the parking consultant -- it has to
5 do more with the management of it, though. Mr. Clark,
6 what ...

7 MR. CLARK: Commissioner Rew, the parking
8 author is on his way up.

9 CHAIRMAN MODUGNO: Please state your name and
10 address for the record, and then if you'd sign in,
11 please.

12 MR. FRANCIS: William Francis, 2550 Hollywood
13 Way, Burbank.

14 CHAIRMAN MODUGNO: Commissioner Rew, your
15 question?

16 COMMISSIONER REW: Thank you. My question has
17 to do with the management of the parking program. These
18 are rental units. The individual renters or renters --
19 is their rent affected by what type of parking
20 arrangement they have?

21 MR. FRANCIS: I'm sorry. I can't answer that
22 question.

23 COMMISSIONER REW: Are the parking places that
24 each renter has -- are they assigned per unit or per the
25 type of vehicles that they have?

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1 sure that the people are parking in the correct parking
2 spaces.

3 COMMISSIONER REW: And does that -- that
4 occurs, I take it then?

5 MR. FRANCIS: It's very common to use it. In
6 terms of where you have assigned spaces, tandem parking
7 works quite well because you know who's responsible and
8 who's supposed to be parking in stall 1 and 1-A or the
9 ones that are back to back.

10 COMMISSIONER REW: Okay. Thank you.

11 CHAIRMAN MODUGNO: Let me ask a question
12 following up because you indicated that the spaces would
13 be assigned, based upon the vehicles that were owned by
14 the tenants as they moved in. What happens when they
15 change over the course of time? Does that preclude
16 somebody who has the ability of parking two compact cars
17 or two midsize cars, says, well, gee if you get rid of
18 one, get a bigger vehicle, that you no longer can park
19 it there?

20 MR. FRANCIS: It's my understanding that the
21 spaces can be -- the spaces can be reassigned as the
22 vehicle sizes change to make sure that there are not two
23 large vehicles parking behind each other.

24 CHAIRMAN MODUGNO: So in other words, somebody
25 who innocently goes in and signs a lease for their

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1 MR. FRANCIS: Per the type of vehicles they
2 have.

3 COMMISSIONER REW: In other words, someone may
4 be in Apartment Number 1 but would not have an assigned
5 parking place for that apartment?

6 MR. FRANCIS: Yes, they would. Basically
7 what's going to happen is, management is going to go
8 match up the tandem parking spaces to make sure that
9 there's either one large and one compact or two medium,
10 so that there's not a medium and large car in that
11 space.

12 COMMISSIONER REW: So that's what I'm getting
13 at. Parking space number 1 will not necessarily be
14 assigned to Apartment Number 1?

15 MR. FRANCIS: That's correct.

16 COMMISSIONER REW: Okay. You've done these
17 studies before. Do you just do the study, and then
18 that's the end of it for you, or what are the problems
19 that are associated with tandem parking, if any?

20 MR. FRANCIS: Well, tandem parking is, in many
21 instances, like in a commercial/retail setting, it's
22 quite a problem because you have to have parking
23 attendants. If you -- if it's in an apartment situation
24 where the parking spaces are assigned, then it becomes a
25 management issue of the property manager on-site to make

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1 apartment, has two midsize vehicles or a midsize and a
2 compact and happily lives there, pays their rent, does
3 everything they should, but inadvertently ends up with a
4 space that could accommodate larger vehicles, they're
5 going to be told at some point in time that they have to
6 vacate those spaces for someone else?

7 MR. FRANCIS: Well, as long as they have two
8 midsize vehicles, then they're going to be in compliance
9 and have the length to be able to accommodate both of
10 those vehicles. The only time it would happen is if one
11 of those vehicles was changed to a large car, then they
12 may be reassigned to a different space.

13 CHAIRMAN MODUGNO: Let me restate that then.
14 Let's say they move in with a large vehicle and a
15 midsize vehicle, and they have one of the larger spaces.
16 They pay their rent. Somewhere down the line they
17 decide to get rid of their large vehicle, and they have
18 a smaller vehicle, are they going to be, then, forced
19 out of their space?

20 MR. FRANCIS: It's my understanding -- and I'm
21 not involved with the economics of the thing -- but it's
22 my understanding that yes, they could be -- they could
23 have a different space changed if the space were needed,
24 but the percentages here are so small that there would
25 have to be a large change in the number of cars that

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1 were moved to large sizes before people would have to be
2 shifted around.

3 CHAIRMAN MODUGNO: So their lease may be a year
4 lease but their parking may go month to month or
5 something like that within the agreement would state
6 that you could be relocated.

7 MR. FRANCIS: That's my understanding, yes.

8 CHAIRMAN MODUGNO: Somebody else has stepped up
9 to the . . .

10 MR. LEVINE: My name is David Levine. You may
11 recall, I'm chief of staff for Jerry Epstein, who is the
12 managing partner of Del Rey Shores, and so I was just
13 available to answer any questions, if necessary.

14 COMMISSIONER REW: Can you answer the question
15 about the rental rate that they . . .

16 MR. LEVINE: At the present time parking is
17 included as part of the apartment rent. There's no
18 separate charge for parking at the present time.
19 However, there are limited cases in which people want
20 extra parking because they have extra vehicles, and so
21 there is a -- conceivably, a situation in which someone
22 could be charged for an additional parking space beyond
23 that which would be included in their apartment rent.

24 A lot of these questions just have to deal
25 with, you know, welcome to our world of management of

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1 large apartment complexes. We try to work with our
2 residents in order to accommodate their needs, and so
3 there are situations where there are parking spaces that
4 are assigned because of certain types of vehicles, and
5 it requires some flexibility on our part and you know,
6 we make sure we keep our residents happy, and we have
7 sufficient room here, if you will, in both the number of
8 spaces as well as the type of spaces that we don't
9 anticipate any problem at all working things out with
10 our residents at any point.

11 CHAIRMAN MODUGNO: In other cases in the marina
12 we've heard from builders or owners that may be upwards
13 of 30 percent of their cost of construction have gone
14 towards providing underground parking. I don't know if
15 that would be the case in this project or not, and we've
16 thrown out -- had some discussions regarding separating
17 the cost of providing free parking versus charging for
18 units and charging for parking, thereby being able to
19 provide greater affordability for those people who --
20 seniors in particular, who may or may not have a vehicle
21 and utilize public transportation.

22 So I don't know. I'm just throwing that
23 thought process out, as you move forward, and as we
24 begin to discuss affordability in some subsequent
25 meetings, if that might be a way of looking at this. So

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1 if, indeed, \$2,000 a month where \$600 of that is really
2 going towards providing two parking spaces, the \$1400 a
3 month rent for somebody who doesn't need to have a
4 vehicle or may have one vehicle and willing to pay a
5 certain amount so that the premier, premium parking
6 spaces, therefore, have someone who is willing to pay
7 more for them will pay more for them. So maybe one way
8 of getting at providing some parking solution and also
9 providing of getting towards affordability within that.

10 MR. LEVINE: Well, at the same time we want to
11 be very sensitive to concerns that have been expressed
12 by our neighbors about the visitor parking and other
13 parking issues, and at this point in time, given what
14 the market place suggests, we've tried to do two things:
15 Number one, we've met both residents as well as visitor
16 parking on-site so as to reduce the number of people
17 that would park on the streets in the surrounding
18 neighborhood, and number two, you know, the parking is
19 part of the rent. And until such time as there are a
20 critical mass of other apartment complexes that are
21 charging separately for parking, I'm afraid the market
22 will dictate that we have one price for the apartment
23 and the appropriate parking -- one price for the
24 apartment and the required parking.

25 CHAIRMAN MODUGNO: Personally, I just don't
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1 understand how that -- why that has not come about.
2 We're in the proximity of LAX, and there's certainly a
3 number of flight attendants and people who work for the
4 various major airlines who are based out of LAX but may
5 live someplace else. And you may have five, six, seven,
6 eight people sort of sharing an apartment during their
7 layovers in Los Angeles and oftentimes don't have a
8 vehicle, take a cab from the airport, use public
9 transportation, and would have no need for a parking
10 space, or upon occasion are there over the weekend if
11 there's proximity to a rental car agency, may rent a car
12 to get around town and utilize either visitor space or
13 be able to accommodate something. So I don't know
14 again, maybe you don't rent to . . .

15 MR. LEVINE: We have not yet experienced any of
16 the scenarios that you just described.

17 CHAIRMAN MODUGNO: Okay. Any other questions?

18 COMMISSIONER HELSLEY: Mr. Chairman.

19 CHAIRMAN MODUGNO: Commissioner Helsley.

20 COMMISSIONER HELSLEY: The aspect of this being
21 a high-public-use area in the marina and that that is an
22 amenity provided to the public by the county or it's in
23 the county hands, that leasing from the county, I don't
24 see much in the line of visitor parking as it relates to
25 visitors to the marina. And I realize that that may not

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1 be a requirement as you see it, but if you go down there
2 on the weekends and try to find a parking place that you
3 could just walk around some of the ways that are there,
4 looking at boats, looking at the activities and this
5 type of thing, it's almost an impossible task.

6 MR. LEVINE: Well, actually there are several
7 public parking lots that are across the street from the
8 project lot. There are three public parking lots,
9 surface public lots, at the present time that are within
10 a one-block walk of the project. There are two surface
11 parking lots at -- along Via Marina, adjacent to
12 Mother's Beach, and there's another public parking lot
13 at Marquesas Way and Via Marina across the street from
14 the south end of the thing, so at the present time,
15 there is more than enough public parking that's
16 available with the possible exception of the night of
17 July 4th when there's fireworks and lots of folks come
18 down to the marina.

19 And in the future there are development plans
20 which will be coming before you that will call for the
21 development on some of those county surface parking
22 lots. Those development plans are required under the
23 terms of the certified LCP to provide replacement
24 parking for all of the parking spaces that are currently
25 available in the marina. So my conclusion and the

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1 point regarding parking, having gone down to the marina,
2 sometimes parking can be tight, particularly on a nice,
3 hot summer day. I think the question, though, is, are
4 we mixing too many public-policy apples and oranges
5 here. We have heard that affordable is very important.
6 Commissioner Modugno said that if it is accurate that
7 30 percent of the cost of residential development goes
8 to underground parking, if we try to load up too many
9 public-policy straws on the camel's back, I worry about
10 the camel breaking because if we put too much cost to
11 parking, we can't then also provide affordable.

12 And I would submit that perhaps the better
13 solution for parking on a marina-wide basis is with
14 respect to the existing parking lots and future
15 commercial development as opposed to residential
16 development. In addition, of course, underground
17 parking has potential environmental issues. We have a
18 high water table, so it's not only the cost but there is
19 air quality and noise impacts as well.

20 COMMISSIONER HELSLEY: One other concern, I
21 guess I have, relates to that, and I understand a little
22 bit about building costs. I don't fully understand all
23 of it, but as I look at the skyline, you have the
24 ability to go up to 200-plus feet on a portion of it.
25 And I realize that the cost of housing or the cost of

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1 conclusion of the certified LCP is -- is that the public
2 parking for visitors serving commercial enterprises in
3 the marina are already provided by other -- in other
4 venues and other sites that are already designated as
5 such.

6 COMMISSIONER HELSLEY: In two visitations to
7 the marina last summer -- I'm trying to remember the
8 dates of them, one of them was in mid-August, and the
9 other one was probably towards the first part of
10 September, about three weeks apart, on weekends --
11 parking in the public lots were filled, and trying to
12 find a location to park was moving off maybe six blocks,
13 eight blocks away, so that there was a substantial walk
14 to get to where we could take grandkids to see boats and
15 boats in operation and this type of thing.

16 And so that's a concern that I have in relation
17 to land use in and around the marina, that there needs
18 to be some public availability of parking provided
19 beyond just the visitor parking to this location -- to
20 this operation, and I don't see that.

21 MR. GOLDSMITH: Just a couple thoughts.

22 CHAIRMAN MODUGNO: State your name again, for
23 the record.

24 MR. GOLDSMITH: Oh, I'm sorry. Dale Goldsmith,
25 Armbruster and Goldsmith. Yeah, you raised an excellent

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1 construction becomes quite dramatically different at
2 that point. But it is a question of mine as to why
3 there aren't a few structures or maybe two structures
4 that go to the high-rise level and maintain the, you
5 might say, a pattern of four or three, whatever it is,
6 in the lower height limit, which you have done. And I
7 understand that trying to get that balanced out, I'm not
8 the guy with the pencil, and you are. So it's something
9 that needs to be related to on your side, but I think
10 that you have the ability to take and put a couple of
11 structures in there and have potential of taking and
12 building at higher points.

13 MR. GOLDSMITH: I want to reassure the
14 commissioner and the rest of the commission that we did
15 consider a whole variety of different development
16 alternatives, and we felt that the most cost-effective
17 solution would be the solution that is before you today.
18 And I want to take this opportunity just to reassure you
19 that it's the position of the developer that 544 units
20 in the configuration that we've proposed is the most
21 appropriate solution, land-use solution for this site,
22 and however the affordable-housing issue is resolved, it
23 will be resolved in our view best if we resolve it
24 within the envelope of the 544-unit project that is
25 before you today.

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1 So I want to just assure you that we look
2 forward to your consideration of all of these land-use
3 issues with the understanding that we're not going to be
4 coming back with a proposal that would change the number
5 of units or the configuration of the building or any
6 other of the land uses because we have carefully
7 considered having a mixture of high-rise and low-rise.
8 We had -- and ultimately we believe that the solution
9 that is before you today, the project before you today,
10 is the most appropriate balancing of the variety of
11 public policy and neighborhood concerns that are before
12 us.

13 CHAIRMAN MODUGNO: Okay. Other questions?

14 Let me ask two questions, and it's sort of
15 revisiting one from a previous hearing, and that's on
16 the architectural features. Both the -- what appear to
17 be off the side and in the sail that goes up, remind me
18 those sails were on top of . . . stairwells, was it not?

19 MR. GOLDSMITH: Well, I'm going to have the
20 architect come up and address that for you.

21 DR. FRICANO: Mr. Chairman, I was also going to
22 say that a representative of Beaches and Harbors is
23 going to further address your questions on parking.

24 CHAIRMAN MODUGNO: Okay. Thank you.

25 Just state your name and address for the

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1 record, please.

2 MR. YONKIN: Yes. Dale Yonkin with Nadel
3 Architects, 1990 South Bundy Drive, in West Los Angeles.

4 CHAIRMAN MODUGNO: Okay. Now, remind me, the
5 sails were on top of stairwells; correct?

6 MR. YONKIN: That's correct.

7 CHAIRMAN MODUGNO: But the stairwell stopped at
8 a certain point, and then the design element went
9 further.

10 MR. YONKIN: That's right. The stairs goes to
11 the roof. They're required to go to the roof by
12 building code, and these sails are -- essentially beyond
13 that point are essentially architectural features which
14 we felt help to articulate the vertical height of the
15 building in a way which was very attractive in
16 architecture and was well received.

17 CHAIRMAN MODUGNO: And the added footage is how
18 much?

19 MR. YONKIN: The added footage of . . .

20 CHAIRMAN MODUGNO: Of beyond the necessary part
21 of it, yes.

22 MR. YONKIN: The sails themselves vary between
23 10 and 20 feet above what would be required to just get
24 the stairs to the roof.

25 CHAIRMAN MODUGNO: The buttresses on the side?

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1 MR. YONKIN: Those do not -- those don't go
2 that high.

3 CHAIRMAN MODUGNO: Well, but they go the entire
4 length -- height of the building.

5 MR. YONKIN: Oh, yes, they do. That's correct.

6 CHAIRMAN MODUGNO: They don't go as high as the
7 sails, but is there any functionality to those
8 whatsoever?

9 MR. YONKIN: No. They are strictly decorative,
10 and it was a way, once again, of adding a bit of
11 layering to the facade to help break down the scale of
12 the building visually.

13 CHAIRMAN MODUGNO: I guess aesthetically, if I
14 go to Paris and look at Notre Dame Cathedral with the
15 wonderful flying buttresses, they serve the purpose, and
16 the purpose was to provide light in the building so that
17 one could build massive stained-glass windows. I'm not
18 sure that providing extra concrete or extra building and
19 little motif on the side is anything different than we
20 had cornices and various other sort of things in
21 buildings in Los Angeles that in earthquakes would fall
22 down and kill people on the ground or hurt people.

23 So I guess I'd look more towards function than
24 some of these little design elements and wonder if
25 there's some functionality that could ever be added to

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1 them to make them make sense. And that being either
2 removing water from the roof or something else, the
3 extent to which the added footage on the sails -- if
4 sails are to capture wind, and we live in an area and
5 the marina does have the flow of winds on and offshore,
6 could there not be something to capture that wind as an
7 energy producer to provide some functionality to it?

8 And I just throw those out, and those are just
9 my own biases that function should match with form
10 versus just something there. And if I want to see
11 something on top a building, you can go down to Disney
12 World, and all those hotels that are replete with big
13 giant swans and all sorts of other things that serve no
14 purpose other than just, I guess, to look up at them.
15 Some see them as attractive, and others see them as just
16 ugliness.

17 MR. YONKIN: Sure. I think it's in the mind of
18 the beholder either way. Thinking about Notre Dame, for
19 instance, they could have had simply stuffers. They
20 elected to use gargoyles which are extremely decorative
21 and make good movie fodder.

22 CHAIRMAN MODUGNO: Great for the Hunchback to
23 run around on.

24 MR. YONKIN: Exactly. So essentially it is
25 true that to provide basic housing, everything could be

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1 a series of boxes and quite sterile, and there's a lot
2 of that done in the world. The owners have elected to
3 spend some money and effort on creating a lot of steps
4 in the building, for instance, along Via Marina that
5 they wouldn't have had to do. It would have been
6 cheaper not to, perhaps more efficient not to, but I
7 think that all of those elements working together help
8 to, number one, create interest.

9 It's not going to be everyone's cup of tea, but
10 that's -- if you get 20 people in the room, you'll have
11 40 decisions about what should be done architecturally,
12 and if they're architects, you'll have 60 choices. But
13 all of the things, I think, work together to simply help
14 make what is hopefully housing which is going to make
15 the people happy living in the housing, and it's hitting
16 in the middle of the market, just a cut above what would
17 have to be done if one were being totally practical
18 about simply enclosing space in the least expensive
19 manner.

20 MR. LEVINE: If I could just add one thing to
21 that, the design control board takes this kind of
22 architectural question quite seriously, and I think the
23 main thrust of the design control board's comments on
24 projects in the marina generally, the project should
25 have a strong sense of place if they're in Marina del

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1 other elements of the project and the way we treat
2 water, for example, on this project, it's our goal to
3 comply with all of the federal and state laws that have
4 to do with water quality and other energy-oriented
5 public policies, and we do our best to assess the
6 aesthetic as well as the economic implications of these
7 things and to do a project that is socially responsible
8 is certainly our goal, and we're happy to take a look at
9 some of these issues. We already have and will continue
10 to do so.

11 CHAIRMAN MODUGNO: Okay. Thank you. Other
12 questions?

13 COMMISSIONER HELSLEY: The use of resources --
14 solar collectors are now being designed entirely flat or
15 can be fairly flat without having to have the angle
16 toward the sun so they're not a bunch of grids on
17 rooftops, and I realize that may not necessarily show up
18 at this location, but the statement that the housing
19 should be compatible with energy resources, I think, is
20 a statement that maybe needs to be looked at in this.
21 And I applaud your position that it's not a box with a
22 series of windows and mouse holes in it because that is
23 so unattractive.

24 But I think that your singular line across the
25 project from a distance could be broken up just like

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1 Rey and not somewhere else in the Los Angeles County
2 Basin, so some of these architectural touches, if you
3 will, are to communicate visually that this is a project
4 in Marina del Rey that is a water-oriented community,
5 and they are interested to create a visual statement
6 that gives a sense of place.

7 CHAIRMAN MODUGNO: Well, again, we're not an
8 architectural-review board. We're a planning -- a
9 land-use planning body, and sometimes we just throw our
10 personal biases out, and so . . .

11 MR. LEVINE: We're delighted to hear them, but
12 I just wanted to suggest to you the thinking and the
13 procedural process that we've gone through.

14 CHAIRMAN MODUGNO: My only comment, though, is
15 the extent which you're going toward the sky, there are
16 opportunities, perhaps, to capture energy, either be it
17 solar or wind. And you know, I would like to think that
18 if you're making that investment, the ability of doing
19 that and having something that even moves with the wind
20 without causing a great deal of noise might have some
21 advantage to it because you're already invading the
22 space, and why not invade the space and have a benefit
23 derived from that. It may be cost-prohibitive.

24 MR. LEVINE: You know, we're happen to look at
25 all these options. In fact, if you look at some of the

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1 you've taken and broken up the front facade. I guess I
2 still have that concern where a couple of the buildings
3 maybe should have a different framing structure and go
4 up higher to give a variation rather than a consistent
5 line.

6 MR. LEVINE: Unfortunately, to go above the
7 five stories above the parking would lead to a different
8 construction type which would increase the construction
9 costs significantly, so what we've looked at are the
10 parameters of construction materials and costs and the
11 design requirements and the neighborhood concerns. You
12 know, what we'd like to do is strike an appropriate
13 balance that we think addresses -- you know, doesn't
14 make everybody happy, but doesn't make everybody unhappy
15 either.

16 COMMISSIONER HELSLEY: And still economically
17 viable.

18 MR. LEVINE: Yes.

19 CHAIRMAN MODUGNO: Commissioner Bellamy, did
20 you . . .

21 COMMISSIONER BELLAMY: Yes, Mr. Chairman. We
22 haven't addressed the fourth issue yet, the shadows to
23 the west. I'd like to hear what they have done as far
24 as that setting.

25 MR. LEVINE: I'm going to have one of my people

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1 come up.
2 MR. GOLDSMITH: Commissioner Bellamy, Dale
3 Goldsmith, Armbruster and Goldsmith. With respect to
4 shade and shadow issues, the Impact Sciences, which is
5 the consultant -- the county's consultant that prepared
6 the Draft EIR, did an extensive shade and shadow
7 analysis. Unfortunately, we didn't bring any boards,
8 but I believe the diagrams are in your package, and it
9 shows that the buildings to the west will not have any
10 significant shade and shadow impacts. I believe that at
11 one point, the worst point of the year, there might be a
12 few minutes of shadow before 9:00 a.m., but due to
13 location of the sun, the relatively low height of the
14 project, and the distance of the condominiums, there
15 would be no significant shade and shadow impacts.
16 Again, I call your attention to the diagrams which
17 graphically depict that.
18 COMMISSIONER VALADEZ: Just a comment here that
19 is kind of further supported by the fact -- the intent,
20 our zoning intent, our land-use intent -- here is to
21 allow a building which was double at least in size, I
22 guess, on this point. But any shading, shadow impacts
23 would have been far greater if the design went to the
24 maximum amount.
25 CHAIRMAN MODUGNO: Well, in then -- unless
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1 there's any questions at this point, we'll end the
2 discussion.
3 COMMISSIONER HELSLEY: Just following up that,
4 if I might for one moment, if you look at the shade and
5 shadow impacts, it basically impacts Via Marina, which
6 is a street. And so I don't see that that is a factor
7 in limiting the height because it could go up. That's
8 where it's going to impact.
9 COMMISSIONER VALADEZ: I would just mention
10 that the building itself didn't have -- in terms of land
11 uses had a lesser shading and shade impact than the
12 building if it had been much taller.
13 CHAIRMAN MODUGNO: We'll call this the end of
14 the applicant's presentation. We're going to take a
15 ten-minute recess. At the conclusion of that recess, a
16 representative from Beaches and Harbor -- we'll hear
17 from him.
18 (Brief recess was taken.)
19 CHAIRMAN MODUGNO: Can you go until 11:45
20 without a break?
21 THE REPORTER: Yes.
22 CHAIRMAN MODUGNO: Please return to your seats.
23 The meeting will come back to order. We left that we
24 were going to hear from the representative from Beaches
25 and Harbor. Do you need more than three minutes to
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1 speak?
2 MR. WISNIEWSKI: No, sir.
3 CHAIRMAN MODUGNO: Okay. State your name and
4 address for the record.
5 MR. WISNIEWSKI: Stan Wisniewski, Director of
6 Beaches and Harbors, 13837 Fiji Way, Marina del Rey.
7 Yes, thank you for the opportunity, Mr. Chairman,
8 members of the board. I wanted to clarify something
9 regarding public parking. Being the resident on-site
10 property owners, I guess you would call, Beaches and
11 Harbors, we have some 12 or 13 public parking lots in
12 the marina, and we have an abundance of public parking.
13 The shortages that occur are probably the two times of
14 the year -- would be the Fourth of July fireworks that
15 we put on as well as the in-the-water boat parade during
16 the holiday season. The marina has a tendency to fill
17 up at that time.
18 At other times throughout -- one of our
19 frustrations, frankly, is that our public parking lots
20 are not teeming with people, and we developed -- and the
21 board approved in 1997 -- what we refer to as an
22 asset-management strategy that is hopeful of bringing
23 people into the marina and using the resources owned by
24 Los Angeles County because we don't have a lot of public
25 -- we don't think we have enough public participation in
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1 Marina del Rey. We don't think enough people know about
2 it, use it.
3 In terms of your concern about public parking,
4 you came in; you couldn't find it. Part of that may be
5 our fault. We're perhaps not signing the public parking
6 lots properly and directing the public. We have signs
7 everywhere, but I'm -- we're currently looking at how we
8 can improve that.
9 We're also looking at some public parking lots.
10 I can name one in particular. It's what we call Parcel
11 OT, and it is -- it's probably got 2- or 300 parking
12 spaces in it. It's adjacent to the international hotel
13 on Admiralty Way. There's a crosswalk that goes right
14 over to the Fantasy -- it's on the west side of Marina
15 City. You have direct access to the water. That public
16 parking lot -- I'm there on Saturdays and Sundays very
17 frequently. Even on Saturdays and Sundays if you see
18 four or five cars in it, it's stunning. It just -- I'm
19 not quite sure. We just don't have the visitation right
20 now.
21 As a matter of fact, one project that we are
22 pursuing is the development of that parcel OT, and when
23 they do develop under the LCP, you're required to
24 replace one for one, the public parking that you
25 displace. The development of OT is to the public's

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1 advantage because we want to get the public parking
2 spaces off that lot and closer to the beach where they
3 will be better used because there's something there for
4 the people to do. But public parking in Marina del
5 Rey -- there's quite a few. We have plenty of parking
6 spaces, but in some cases there's -- public parking
7 isn't in the right spot, and in other cases, we need to
8 get better signage to them.

9 And they are obviously protected because they
10 have to replace on a one-to-one basis, especially those
11 three public parking lots around Mother's Beach where we
12 are pursuing development projects, and we're considering
13 parking structures in the area. Maybe a parking
14 structure will make it more visible to the public. I'm
15 not really excited about public parking -- public
16 parking structures. Maybe their visibility will help.
17 I don't know. But there is an abundance of it, and if
18 anything, they're suffering from a lack of good signage
19 that my department is responsible for.

20 CHAIRMAN MODUGNO: Thank you very much. Any
21 questions? Great. Thanks.

22 What we propose doing at this point in time,
23 there is another public hearing this morning which we'll
24 hear this afternoon. We're going to need to adjourn
25 today at 1:00 p.m. I propose that we go until 11:45 and

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1 take input, public testimony on this case. This matter
2 is going to be continued to another date. We don't yet
3 know what that date will be. Because there will be
4 public testimony, if we do not conclude public testimony
5 by 11:45, we will continue and pick up with additional
6 public testimony at the next hearing and allow the
7 applicant rebuttal time. If, indeed, all of the public
8 testimony is received prior to that and we have time
9 sufficient to allow the applicant rebuttal time, we'll
10 provide for that. But there or may not be that time
11 provided.

12 So at this point in time, we'll hear from those
13 in the audience who are in favor of this project.
14 You'll be allowed three minutes. If you'll step
15 forward -- two of you come forward. One of you start
16 speaking, and the other sign in. And then as soon as
17 the first person has finished, if the second person will
18 start speaking while the first one signs in -- and we
19 will not allow lining up in the space unless you're --
20 so please just come up when the time is available. I
21 suspect the two of you are here to speak in favor of?
22 All right. We don't -- please don't -- the fire
23 department will not allow lining up.

24 No one here to speak in favor of? All right.
25 Two of you, then, who are standing, if you want --

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1 before you sit down if you want to step forward if
2 you're here to speak in opposition or have concerns with
3 the project, and again, if one of you will just start
4 speaking, and the second one can sign in while the first
5 one is speaking.

6 MR. BEACH: Good morning, Commissioners, Ben
7 Beach, Legal Aid Foundation of Los Angeles.
8 Understanding that the commission may not wish today to
9 discuss the affordable-housing and replacement-housing
10 issues, we would, nevertheless, like to offer testimony
11 to the commission this morning on those issues. I'd
12 like to begin by noting that Legal Aid Foundation is
13 here representing People Organized for West Side Renewal
14 in addition with our cocounsel, Western Center on Law
15 and Poverty. We submitted a revised version this
16 morning of our prior letter on this matter, which I
17 would just note now in the record.

18 In addition, that letter includes an addendum
19 in which our economist, Dr. Neil Meyer (phonetic) has
20 undertaken an analysis of the project rents and
21 operating costs on the project in connection with the
22 feasibility analysis of on-site Mello Act compliance,
23 and that analysis of project costs and project operating
24 costs, I should say, and rents revealed that the
25 applicant both understates the rents that may be

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1 obtained in the market-rate units in the project and
2 also overstates the operating costs of the project as a
3 whole. I would just -- let me -- in addition, that
4 analysis concludes that even with conservative
5 adjustments to project operating costs and rents, the
6 project can ultimately, with the inclusion, full
7 inclusionary package on-site, realize a return -- total
8 return on cost of 8.1 percent which clears all
9 feasibility thresholds that the county's consultants
10 have projected are appropriate.

11 I would note for the record that the data that
12 the county is currently working with and all of which,
13 we were told, is made available to us falls far below
14 the sort of data that we're accustomed to seeing in
15 Mello Act cases on project, and so I would just inquire
16 as to whether the county and the commission have
17 available to them sufficient financial data for the
18 project for themselves, undertaken analysis of the
19 advice they're obtaining from the consultant.

20 On the replacement housing issue, I would
21 just -- I would note that we've had an opportunity to
22 discuss the developer's replacement housing obligation
23 with county counsel, and just today I'm pleased to share
24 with the commission and with counsel that the only case
25 dealing with replacement housing under the state Mello

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1 Act -- the only state -- California court case --
2 interprets the replacement obligation language to
3 require the building of new replacement units. So I
4 would commend the counsel -- the attention of the Venice
5 Town Council versus City of Los Angeles, Case 47
6 Cal.App.4th 1547. I would also note that that policy
7 does, in fact -- the policy of building units is a
8 better policy for replacement housing because it
9 actually results in new units for the county.

10 Finally, Commissioners, I apologize for going
11 over. I would just ask -- and it appears that this is
12 the direction the commission would like to undertake --
13 I would just ask that the commission hold off on
14 granting any project approvals today before the issues
15 on affordable housing or replacement housing are
16 resolved. As the commission has already suggested, the
17 Mello Act is a very important case -- very important
18 law, and we really appreciate the commission's attention
19 to it, and the issue -- the land-use issues that are
20 before the commission today are intertwined with the
21 issues implicated by the affordable-housing discussion.
22 So I thank you very much for your time today.

23 CHAIRMAN MODUGNO: Thank you. Any questions?

24 COMMISSIONER HELSLEY: Mr. Chairman, I would
25 like to have you talk a little bit about -- you mention

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1 in your letter the in-lieu fees, and I would like to
2 have you explain that a little bit further -- your
3 position.

4 MR. BEACH: Thank you, Commissioner. Our
5 position is that in-lieu fees are only appropriate under
6 the Mello Act after determination that both on-site and
7 off-site provision of affordable housing is infeasible.
8 That's our position on in-lieu fees.

9 COMMISSIONER HELSLEY: What do you mean by
10 infeasible?

11 MR. BEACH: Well, infeasible under the same
12 measure that the Mello Act requires. There's a standard
13 set forth in the Mello Act for what's feasible, and
14 that's a very general act.

15 CHAIRMAN MODUGNO: Thank you. If you'll sign
16 in, then.

17 MR. BEACH: Thank you.

18 CHAIRMAN MODUGNO: Ma'am.

19 MS. LING: Good morning, Commissioners. My
20 name is Joan Ling, and I live at 12552 Barbara Avenue, a
21 seven-minute bicycle ride to the marina. For
22 identification purposes, I also want to tell you that
23 I'm the executive director of Community Corporation of
24 Santa Monica. I'm the treasurer of the Los Angeles City
25 Community Redevelopment Agency, and I'm also the housing

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1 development consultant for People Organized for West
2 Side Renewal, POWER, and its legal team pertaining to
3 this case right now.

4 Together with Dr. Neil Meyer, our financial
5 consultant, we find that the measure used by the
6 developer and the county to determine project
7 feasibility is too simple, and the measure that has been
8 used is called return-on-cost measure which uses the net
9 operating income of the project and divided by the total
10 development cost. This measure only takes a snapshot of
11 how the building is doing at one time during operation.
12 It does not take into account the time value of money.
13 It does not address what equity investors use as
14 measures to make their investment decisions, and it does
15 not acknowledge that a real estate asset has a value
16 above and beyond what it throws off in income.

17 At the end of the day we believe that the
18 fairest and most accurate measure should determine
19 feasibility is what a reputable institutional investor
20 would use to decide where this money should go, and that
21 measure is the annual internal rate of return. As a --
22 matter of fact, the Los Angeles city housing department,
23 in reviewing the same issues that's in front of you
24 right now 12 months ago, selected two measures, one of
25 which is the internal rate of return, and the other one

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1 is the developer's return on equity. In roughly
2 estimating what the developer would get, translating the
3 return on cost, which the county and the developer use,
4 at 5 -- at 8 percent threshold, the internal rate of
5 return, we estimate, will yield about 40 to 50 percent
6 internal rate of return, and on the return-on-equity
7 measure translating the return on cost of 8 percent
8 equals 70 to 80 percent.

9 Clearly these other alternative measures which
10 are used by institutional investors as well as
11 Los Angeles City housing department way exceed what
12 would be appropriate in the mass marketplace. These
13 findings are based on all the costs and income
14 assumptions supplied by the developer, some of which we
15 dispute. For example, we believe that they overstated
16 costs and understated revenues, and they did not provide
17 enough information for us to analyze their development
18 costs.

19 Simply put, we just do not have all the
20 information to render a complete analysis, but based on
21 what we have, we believe that 10 percent very low
22 on-site inclusionary is feasible, and we encourage you
23 to make that decision to require on-site inclusionary.
24 Thank you.

25 CHAIRMAN MODUGNO: Thank you. Any questions?

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1 All right. Thank you very much. Now the last group
2 that was two by two, let it be two by two and then one
3 by one. So as you finish -- so speak first. No, no,
4 no. I know. But if he would have left, you could have
5 stepped up. You may speak first. As soon as you're
6 finishing speaking, sign in, vacate the seat so somebody
7 else, so we don't -- so the time keeps moving. That was
8 what I was trying to get at.

9 MS. GARRETT: My name is Helen Garrett. I've
10 been here before this group before, and I'm now living
11 in the marina because you allowed me to do so. I have
12 two points, one of which is not really a POWER
13 organization issue, and that is the issue of parking.
14 Those parking lots that were mentioned by Mr. Wisniewski
15 that are not well signed are also not accessible to
16 people who need them. For instance, I live in the Panay
17 Way apartments which is at the end of Panay Way, and for
18 guests who are elderly to come and visit me and park in
19 the \$3 parking lot that he's talking about that's
20 supposedly free -- you have to pay for it and then walk
21 all the way down Panay Way. Lots of days that would
22 rain or be windy, these folks can't get there. They
23 just can't get -- and when it comes to public
24 transportation and not being able to have a car, I would
25 like to tell you that I can't make it to Washington. I

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1 have asthma. You've seen me run out of here. I can't
2 make it to Washington.

3 The other thing that I did want to talk about
4 is, of course, affordable housing. The marina isn't an
5 enclave for wealthy people; it is county property that
6 should be serving county purposes. And anyone who goes
7 to the marina in the marina should understand that they
8 have a responsibility to the county to provide, not only
9 housing, but housing that the county needs. County
10 needs affordable housing, and they need very low-income
11 apartments as well as low-income apartments. We're
12 talking about people's lives. The county has the
13 responsibility of providing the necessary housing for
14 people who can't pay such inflated rates, and this is a
15 good place to put it because it's county land, because
16 the leases are from the county, and because this was
17 originally a recreational area, and it was built to
18 serve the county as a recreational area. If you're not
19 going to use it as a recreational area and you're going
20 to use it as an apartment building, for heaven's sake use
21 it as an apartment building that the county needs, not
22 that wealthy people need who can live in Bel Aire or any
23 damn place that they wish. That's all I have to say.
24 Thank you.

25 CHAIRMAN MODUGNO: Thank you. Be sure and sign

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1 in before you . . .

2 Ma'am.

3 MS. TERUYA: Hello. My name is Gwen Teruya. I
4 live at 3566 Via Dolce in Marina del Rey. I looked at
5 the December 2005 department status report prepared by
6 the Department of Harbor and Beaches. That report is
7 attached to this map. What I looked at is the net
8 increase in units in the marina area, particularly the
9 west side of the marina. By my count there will be
10 2,086 new apartments, over 90,000 square feet of retail
11 office space -- this is all in addition to what exists
12 -- plus over 500 new hotel rooms. I have marked the
13 increases on the map. You can see by the map this is a
14 lot of increase for a very small neighborhood.

15 Some of this construction has already begun.
16 The 614 additional apartments at the end of Marquesa are
17 already under construction. The 108 apartments north of
18 Mother's Beach are already under construction.

19 My concerns are threefold: Number one, that
20 the units that are already under construction plus those
21 in the pipeline will be considered in any discussion of
22 parking and traffic. There are three major complexes
23 that are going to be on Marquesas Way including the
24 Shores' project. On Marquesas Way there will be 1347
25 additional new apartments. This puts a great deal of

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1 congestion on an extremely small street.

2 The County of L.A. owns three parking lots in
3 the recent vicinity or close vicinity of the Shores'
4 project. One is at the corner of Via Marina and
5 Marquesas, which they have closed currently, and one at
6 the corner of Via Marina and Panay Way which is going to
7 be turned into a park, and one at Mother's Beach which
8 is going to become a residents' hotel. So it's very
9 important that each developer provide enough space for
10 their tenants and their guests. I do not agree the
11 Shores' project is doing that. One and a half parking
12 stalls for a one-bedroom apartment may be the standard,
13 but the reality is that's not enough parking. Probably
14 most of the units will have two parking autos.

15 My third concern is that the developers are
16 charging ahead with new projects in the marina. A small
17 neighborhood is being developed very quickly without
18 regard to negative impacts -- the traffic, overcrowding,
19 lack of public transportation. I feel very strongly
20 that the county needs to make some infrastructure
21 improvements in the marina before allowing additional
22 units of apartments, hotels, retail to be built. I
23 think a project such as the Shores should be scaled down
24 to a level that can be accommodated by the current
25 infrastructure. Thank you.

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1 CHAIRMAN MODUGNO: Thank you.
2 Sir.
3 I'm sorry. Did you have a question?
4 COMMISSIONER HELSLEY: I have one question if I
5 could drop the idea. The aspect of taking and making
6 the buildings in a taller position -- is that a negative
7 position or a positive position as you would see it?
8 MS. TERUYA: In my opinion it would be a
9 positive position because what they could do is not make
10 them taller near our complex but the sides that face Via
11 Marina, the sides that face Marquesas, the sides that
12 face other high-rises could be tolerated without a
13 negative impact to the people that live in this
14 community.
15 COMMISSIONER HELSLEY: Thank you.
16 CHAIRMAN MODUGNO: Thank you.
17 Sir.
18 MR. GAERTNER: Good morning. Thank you. My
19 name is John Gaertner. I live at 3722 Via Dolce. I
20 have lived in Marina del Rey for about 20- -- Marina del
21 Rey area for about 28 years now. When I first moved to
22 Marina del Rey there was a lot of dirt, not maybe as
23 much as Mr. Epstein when he first started building there
24 in '55, but at least down the street what was the silver
25 strand, 40-plus acres was dirt; now has 225 homes.

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1 Rey lots, 101 condos; until recently the TCR Alexander
2 Marina was approved, which now is going to be 298
3 condos, just east -- just west, excuse me, of Lincoln
4 Boulevard. My addition says this is 2,236 units. And
5 this is just a sampling of what's been approved.

6 I know that many -- some will argue that some
7 of these are located within the city of Los Angeles, but
8 I don't care. They still have a tremendous impact on
9 the marina area and all its infrastructure. Mundos
10 (phonetic) high-rises, the Ragata, Via Zura, and the
11 Cove -- 25 yards to the west, you're on marina property.
12 They call and say that's fine, list it.

13 What I'm saying, it's affecting that whole
14 area. Marina del Rey -- marina area is all tied in
15 together. During the 28 years I have been in the
16 marina, not one new road has been added, not one new --
17 not one road has been widened. I'd like to know who is
18 looking at the total picture of the marina area where
19 all these developments.

20 CHAIRMAN MODUGNO: Thank you. Any questions?

21 All right. Sir.

22 MR. FALKIN: My name is Larry Falkin, and I
23 live at 3696 Via Dolce, directly west of the project.
24 And Gwen Teruya today presented evidence of large
25 numbers of added dwelling units in Marina del Rey, and

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1 There were about 30 to 40 vacant lots over on the
2 peninsula. Other than a handful those have now been
3 built.

4 What concerns me is not just the Shores'
5 development, which I do oppose because it will bring
6 about two and a half times the current numbers of units
7 and almost three times the number of cars in my area as
8 well as additional noise, pollution, and the fact that
9 the new building will not be in conformity with
10 buildings in the area. What I really don't understand
11 is the growth that is taking place in the past five or
12 six years, most of it in the last two years, without any
13 infrastructure improvements whatsoever.

14 To name just a few of these -- on Lincoln
15 Boulevard and Maxella Avenue, the Ragata (phonetic)
16 high-rise, 224 condos; Via Zura (phonetic), 450 condos;
17 the Cove, 138 condos; also proposed is the removal of
18 Ralphs Market replaced by a low-rise condo building; on
19 Via Marina and Bora Bora Way, which is just south of us,
20 120 apartments; on Marquesas Way which is one-half block
21 from where we're at right now, under construction and/or
22 approved, 609 additional apartments in addition to what
23 used to be there; at the corner of Glencoe (phonetic)
24 and Maxella (phonetic), the Tierra del Rey (phonetic),
25 200-plus apartments; under construction on Glencoe, Del

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1 I'd like to offer a viable option to you that would
2 allow modernization of the existing Del Rey Shores
3 project of apartments without any or much fewer dwelling
4 units. I've taken before and after pictures of
5 buildings that have successfully done this right on Via
6 Marina and right on Via Dolce. It can be done. This is
7 a before picture of Marina Strand Colonies --

8 CHAIRMAN MODUGNO: Speak into the microphone.

9 MR. FALKIN: This is a before picture of Marina
10 Strand Colonies, phase one. This is the after.
11 Beautiful. It looks terrific. They didn't add one
12 dwelling unit. This is a before picture of the
13 Archstone project, and this is an after picture of the
14 Archstone project. But you can see tremendous
15 improvement in looks, modernization, not one added
16 dwelling unit, not one. Now, we didn't -- I didn't have
17 a before picture, but this is the Oakwood development,
18 and it was a real eyesore on our street, and now it's
19 one of the nicest buildings on our street, not one added
20 dwelling unit. And this is the low-income apartment
21 building with some subsidized rent for seniors that's
22 right across the street also. It was just a boring,
23 cement building which, you know, they've taken and redo
24 the windows, and they put in new appliances and things
25 like that. They fixed it up, and now it's a very nice

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1 addition to our street as well. So it's not one
2 dwelling unit added, nice modernization of our street
3 and no increase in density.

4 And it's got to cost less than tearing
5 something down, disturbing possible toxic soils, putting
6 particulate matter in the area of people that live in
7 the area that have asthma, myself included, for close to
8 two years if they stay on schedule. I think this is a
9 totally viable alternative, so . . .

10 And the parking lots -- much better job -- it
11 is absolutely true. The parking situation in the marina
12 is extremely bad. Lots are closed; it's not that
13 they're badly marked. One of the huge lots in the
14 marina is used by the Cheesecake Factory as a valet
15 parking lot. The other is used as a construction
16 material storage lot for a huge project at the end of
17 Marquesas. Thank you.

18 CHAIRMAN MODUGNO: Before you run off, the
19 question I have is, Do you have any guesstimate in terms
20 of how much the rents went up in the various units after
21 the modernization took place because clearly somebody
22 paid for it?

23 MR. FALKIN: Yeah. Well, it went from 1400 to
24 \$3,000 a month, 70 percent increase in rent at
25 Archstone.

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1 MR. FALKIN: I would hope so, but I don't know.

2 CHAIRMAN MODUGNO: Anyway.

3 MR. HAFETZ: Mr. Chairman, if I could just for
4 this gentleman -- if he intends to have those documents
5 in the record, I propose that he make copies of the
6 pictures and submit them in the same order that he just
7 went. Otherwise the transcript is going to be
8 completely unclear as to what you were referring to and
9 what the commission was looking at.

10 MR. FALKIN: I can mark them.

11 MR. HAFETZ: That's fine. I mean, I don't know
12 if we would accept it for the record in terms of those
13 -- can we make -- I don't know. Right now it's a little
14 cumbersome in terms of the record, and it wouldn't be
15 clear in the transcript.

16 MR. FALKIN: Okay. Then I can provide
17 photographs.

18 CHAIRMAN MODUGNO: Okay. Great. Thank you.

19 MS. ANDREWS: My name is Carla Andrews. One
20 other option that I don't think has been considered is
21 letting this lease run its course for whatever it is,
22 another 17 years, and keep the rents moderate as they
23 are. But if we are going to be building, I think every
24 request for proposal should include the developer's
25 obligations to full compliance with the Mello Act.

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1 CHAIRMAN MODUGNO: Okay. Well, that doesn't go
2 very far towards affordability. That does not go very
3 far towards affordability if rents are going up
4 70 percent, so in order to have affordability, then
5 density is a trade-off.

6 MR. FALKIN: Well, we're not really sure that
7 we -- affordability.

8 CHAIRMAN MODUGNO: I understand that. But
9 there are elements in this room that are pushing towards
10 affordability, and there is a legislative act that the
11 state legislature took forth, namely the Mello Act, that
12 requires us to look at that element. So we're wrestling
13 with, obviously, protecting an environment in housing,
14 but also with some charge on the other side. So I just
15 wanted to make sure that there was an understanding that
16 this modernization had a cost to it, and that cost was
17 born by either the residents who were there that could
18 afford that sort of an increase or the people who moved
19 in to replace those people who were forced to move out.

20 MR. FALKIN: The Archstone building had a
21 20-year lease extension. The county doesn't get a dime
22 more of money.

23 CHAIRMAN MODUGNO: I think the county is
24 smarter in terms of its renegotiation of its leases as
25 well. I would at least hope so, but . . .

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1 The parking lots are at times underutilized
2 because recreation -- the management of recreation for
3 the area has been undermanaged. Okay? There is a lot
4 of recreational opportunities that we're not looking at.
5 In fact, that will probably come before you in the
6 future, but an alternative plan for Mother's Beach area
7 -- Mr. Knabe had asked for public input. Well, the
8 public has come up with an alternative plan for the
9 whole Mother's Beach area, and that plan would really
10 develop the recreational opportunities of the area, and
11 this high residential density is making residents'
12 recreation secondary to residential, and that is not
13 within the LCP. The asset-management strategy has that
14 as a mandate, and the LCP does not ask for the extra
15 residential.

16 We really need to focus on how we're going to
17 serve the region, the way the marina was supposed to,
18 and we have that opportunity. But if we do this
19 density, we're losing that. We are losing it forever,
20 and that's not fair to the surrounding region. It's not
21 fair to the community itself, and it's certainly not
22 fair to the small-craft harbor boating community. So I
23 would really hope that you look into that alternative
24 plan, and it will be before you soon.

25 CHAIRMAN MODUGNO: Thank you.

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1 Sir.

2 MR. GOTTLIEB: Hello. I am Daniel Gottlieb. I

3 live in the Marina Colony II. And I'm also a professor

4 of mathematics, and I have some expertise that I would

5 like to use. I want to discuss the parking -- the

6 traffic being -- so I have some things for you. Also

7 I'd like to submit a letter at the end which raises

8 other points that have mathematical input such as

9 earthquakes and elaborate on what I'm going to tell you

10 now.

11 Now, the way the traffic survey is calculated,

12 there's a projection into the future by the developer's

13 group to see exactly how the impact of the new cars

14 spread all over the place. And the key fact there is

15 the calculation of distribution of trips, and in the

16 manual for doing this that's most popularly used, the

17 distribution of trips is supposed to be very carefully

18 down. In the first page I gave you has the distribution

19 of trips, but I want to draw your attention to the red

20 line up here, and I want to quote it because it explains

21 how carefully these people work. Lastly, actual vehicle

22 turning movements in and around the project vicinity

23 were observed, and general geographical characteristics

24 were developed.

25 Okay. If you turn to your second page, you'll

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1 find from Crane and Associates who actually did that,

2 the project site, the key road in there was Dell

3 Avenue -- alley, right through the alley, and that has

4 an exit onto Via Dolce and onto Marquesas Way, and three

5 of their garages are going to be on that. And also most

6 of the traffic is going to be on that and can go up past

7 our project or back, and it's not even on the map.

8 Somehow they sent people there to count the traffic, and

9 they didn't even get the road right.

10 When it went to the executive summary people,

11 which is Impact Sciences, they realized something was

12 wrong, so they put in the boundary. That's page 3.

13 They put in the boundary, Del Rey, but they left the

14 connection out to Via Dolce, and that is my main artery

15 to the east. And I'm sure the people there, if they

16 want to go west in the project, they'll use that.

17 That's a glaring error. You can see, when you look at

18 the map, that this traffic survey doesn't even tell you

19 the correct thing about what's going on in the project.

20 Now, if you look at the very upper left-hand

21 corner, I circled the 3 percent. Because the 3 percent

22 doesn't have a percentage in it, that's 3 percent coming

23 down. That's supposed -- south -- that's supposed to

24 represent the 3 percent that's supposed to be going

25 north inside the parentheses on this, and it's going

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1 north. Now, the trouble with that idea is that Dell

2 Avenue in that area becomes one way after one block.

3 Nobody is going to come down that way unless the signal

4 at Ocean Avenue and Washington Boulevard has got a bad

5 loss of level of service. That's the only reason people

6 would go through that on coming back to their

7 apartments.

8 CHAIRMAN MODUGNO: Mr. Gottlieb, your time has

9 expired. There may be some questions. Do you have a

10 final sentence, or does that conclude?

11 MR. GOTTLIEB: Do I have a what? I'm sorry. I

12 can't hear you.

13 CHAIRMAN MODUGNO: Did you have a final

14 sentence to give to us or . . .

15 MR. GOTTLIEB: Yes, this is so badly done that

16 you don't have to be an expert. It's plain to see. I've

17 circled the Villa Marina; I've circled Costco. Those

18 are our main destinations for shopping. There's no

19 traffic going for that.

20 CHAIRMAN MODUGNO: I'll stop you there. Are

21 there any questions of Mr. Gottlieb? All right. Thank

22 you very much for your input, and you had another letter

23 you're going to provide to us?

24 MR. GOTTLIEB: Yes.

25 CHAIRMAN MODUGNO: Ma'am.

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1 MS. OSGOOD: Yes. My name is Janet Osgood, and

2 I live in the Marina Strand Colonies at 3856 Via Dolce.

3 I'm here --

4 CHAIRMAN MODUGNO: Excuse me. Let me just stop

5 you.

6 Ma'am, the other one -- you'll sign while

7 you're waiting. Thank you.

8 MS. OSGOOD: I'm here to speak about the

9 traffic on our street and the concerns of our residents.

10 Our complex is on the blind-turn corner of Via Dolce.

11 With the proposed increase of potentially close to

12 800-plus cars, this will significantly impact the

13 traffic flow on our street. Coming out of the Shores'

14 project, cars have the option to exit out of the alley,

15 Dell Avenue, turn right onto Marquesas Way, and

16 immediately blend into Via Dolce. People speed around

17 this corner with no regard or thought to people exiting

18 our complex. They cannot see us, and we cannot see

19 them.

20 There have been several accidents with our

21 residents exiting our complex because this curve creates

22 a huge blind spot. In fact, my mother was hit by a

23 speeding motorcyclist. I am sure there will be families

24 with children coming out of the project and only hope

25 they don't get added to the list of accidents.

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<p>1 You cannot see the traffic coming on your left 2 if there are cars parked on the street. If there are 3 SUVs, motor homes or trucks parked, then you hope this 4 is your lucky day and creep out of the driveway slowly, 5 hoping any car speeding around this corner sees you 6 before it's too late. I sent pictures to Mr. 7 (unintelligible) showing the curb and our southern 8 driveway, and I brought copies if you wish to also have 9 them.</p> <p>10 Trying to pull out of our northern driveway is 11 no better. In fact, it is worse because drivers have an 12 additional half block or so to increase their speed 13 getting to Washington Boulevard. Let's face it. Even 14 with the speed limit clearly posted, who really adheres 15 to it? With this new proposed project, I have not heard 16 of any new plans to control the increase in traffic.</p> <p>17 Bringing the marina up-to-date does not have to 18 mean turning existing buildings into high-rises and 19 potentially tripling the existing occupancy, which is 20 what the proposed Shores' project is doing. We urge you 21 to reconsider this project and scale it down further to 22 a more reasonable and acceptable complex. Thank you.</p> <p>23 CHAIRMAN MODUGNO: Thank you. 24 Ma'am.</p> <p>25 MS. MORGAN: My name is Shelley Morgan, and I Page 70</p>	<p>1 which represent a very severe health hazard. The 2 California ambient air quality standards state that the 3 most relevant health effects for suspended particulate 4 matter PM-10 are (a) excess deaths from short-term 5 exposure and exacerbation of symptoms in sensitive 6 patients, and (b) excess seasonal declines in pulmonary 7 function, especially in children. Many of our 8 condominium residents are senior citizens, some with 9 existing respiratory problems, myself included.</p> <p>10 There is also a low cost citizens' housing 11 complex with over 200 units located just north of us, 12 less than a hundred and fifty yards from the building 13 site. It is imperative that you realize that we are 14 very concerned about the effect of the movement of this 15 dirt on the air we breathe and the length of time we'll 16 be exposed. I don't know how the regional planning 17 commission can in good conscience approve this project 18 without being able to assure us that the dirt to be 19 moved is clean and free of dangerous chemicals and that 20 the Shores' project will be compliant with the 21 California Ambient Air Quality Standards as stated. 22 Without proof of their compliance, we believe they will 23 be in violation of the law and will have no recourse but 24 to file a lawsuit. Thank you.</p> <p>25 CHAIRMAN MODUGNO: Thank you. Page 72</p>
<p>1 live at 3656 Via Dolce in the marina. My patio, living 2 room, guest bedroom, and office will face the Shores' 3 construction site, and one of my concerns is the fill 4 dirt. We have been told that the existing apartment 5 buildings are built on fill dirt on top of what was once 6 a tank farm facility which contains holding tanks for 7 oil and gas. There seems to be a disparity between the 8 Shores' statement presented before this commission and 9 their own engineering report about how the building 10 foundation should be built. We were told that 11 approximately 40,000 cubic yards of soil would be moved 12 around the site during construction. By our 13 calculations, given the 8.3-acre site, the average depth 14 they can excavate is three feet deep. The engineering 15 report recommends the excavation should be 13 feet deep 16 for structural and safety reasons. That translates to 17 moving or removing between two to three times as much 18 soil. We would like to know how the earth will be 19 transported and what steps are being taken to mitigate 20 the effect of mass amounts of potentially contaminated 21 dirt being removed.</p> <p>22 The Shores' Draft Environmental Impact 23 Statement states that during the period of soil 24 movement, allowable air quality standards will be 25 exceeded, especially for PM-10 breathable particulates Page 71</p>	<p>1 Sir.</p> <p>2 MR. CHRISTY: Good morning, Honorable 3 Commissioners. My name is Daniel Christy. I reside at 4 3752 Via Dolce in Marina del Rey. I have been residing 5 there for 20 years now, and I'm a home owner in the 6 marina area. I would like to address again the issue of 7 parking on the proposed Shores' project. Free parking 8 is almost nonexistent in the marina. We who live second 9 in Los Angeles on the streets adjacent to the county 10 have been feeling the brunt of the parking crisis for 11 almost a decade. My fellow home owners and I cannot 12 park in front of our own homes though we pay thousands 13 of dollars to the city and county in real estate taxes. 14 This is because residents of adjacent rental complexes 15 are forced by the inadequate number of parking spaces 16 and too many tiny compact spaces to park in our street.</p> <p>17 The Shores' project plan is using a parking 18 formula approved by the local coastal plan about ten 19 years ago. We submit that this plan is outdated and no 20 longer presents a viable present solution for new 21 projects. The developer thoughtfully provided in their 22 packet for the sharing a parking plan designed by Walker 23 Parking Consultants, and the packet I'm referring to is 24 this one.</p> <p>25 I'd like to direct your attention to page 5 of Page 73</p>

1 their parking management plan dated February 15th. It
2 is a part of the package in front of you. Please refer
3 to the chart, Vehicle Sales by Size Since 1996, and that
4 is this chart here. Aside from the fact that people
5 today own more vehicles per family, the chart clearly
6 shows a trend to larger vehicles. It is noteworthy that
7 the sales trend used for sales in all of United States,
8 not just the state of California or Los Angeles County,
9 which due to its abundance of recreational opportunities
10 accounts for a much larger portion of sales of SUVs,
11 recreational vehicles, all-terrain vehicles, trucks, per
12 household than any other state. All of these vehicles
13 are much larger in size than the average passenger
14 automobile. The result of the proposed plan providing
15 952 residential spaces for 544 residential units is
16 misleading as 309 of these are compact spaces, and out
17 of the 309, 216 are tandem.

18 Now, we all know how popular tandem parking is.
19 Assume the calculation shows that the percentages are a
20 little different than shown in the parking study,
21 compact spaces excluding guest parking which is not
22 germane to this issue, account for 32 percent of planned
23 spaces, not 30. And out of these, standard compact
24 spaces account for a staggering 70 percent. This leaves
25 only a total of 93 unhindered and fully accessible

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1 compact spaces. Clearly, this is an unacceptable number
2 and ratio. If we were malicious, we could say that the
3 huge number of compact spaces are a part of the project
4 plan just to provide the required number count in order
5 to get the project approved.

6 It is our conclusion that the parking plan as
7 submitted is unacceptable -- too many tandem spaces and
8 too many compact spaces spell out a parking disaster for
9 the neighborhood. We ask this commission to request a
10 submittal of a new, realistic, and viable parking plan
11 for this project, one that will not encroach on the
12 surrounding area. Thank you for your attention, and if
13 anyone has any questions.

14 CHAIRMAN MODUGNO: Thank you. Any questions?
15 Thank you, sir.

16 Ma'am.

17 MS. BROWNE: Good morning, Susanne Browne with
18 the Legal Aid Foundation of Los Angeles. I just wanted
19 to briefly follow up on one additional
20 affordable-housing obligation. We were recently
21 informed that the developer relocated some low- and
22 moderate-income families -- who currently live in the
23 Shores -- elsewhere, and we are very concerned about
24 this because any relocation of potential subsidy that
25 was given won't qualify for the Mello Act

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1 replacement-housing obligation. It's our understanding
2 the developer plans to conduct a full income survey of
3 the current tenants of the building as he is required to
4 do under the Mello Act, but the developer would also
5 need to survey the incomes of these folks who have been
6 already relocated because the developer really jumped
7 the gun. Since the replacement-housing requirement is a
8 net new requirement, for the developer to have just
9 relocated folks who were of low- or moderate-income
10 elsewhere, not satisfy that, and we want to see the
11 information on their income.

12 Notably under the Mello Act a lower moderate
13 income unit is deemed to be such if a family is evicted
14 from a unit one year prior to the development, and I
15 would say that it would be sort of analogous in the
16 situation if a tenant was forced out or led to believe
17 that they needed to leave because they were low or
18 moderate income and they were being replaced elsewhere,
19 but this sort of again, circumvents the
20 replacement-housing obligations. Thank you.

21 CHAIRMAN MODUGNO: Let me ask, you've got
22 certain facts that, obviously, have some implication on
23 this. Do you know if they have rerented those to higher
24 income people or are those apartments currently vacant?

25 MS. BROWNE: That, I do not know. All of that

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1 information would be part of a survey that would be
2 given as public information to this commission, to
3 county counsel, and to us.

4 CHAIRMAN MODUGNO: And under the Mello Act,
5 they would go back 12 months prior to when? The day of
6 proof, the day of submission, or what?

7 MS. BROWNE: I'll read you the language. It
8 says, a residential dwelling unit shall be deemed by
9 person or family of low or moderate income if the person
10 or family was evicted from that dwelling unit within one
11 year prior to the filing of an application to convert or
12 demolish the unit, and if the eviction was for the
13 purpose of avoiding the requirement of this subdivision.
14 So I think it's analogous if they've been sort of
15 relocated.

16 CHAIRMAN MODUGNO: I guess it's a legal
17 question, then, because eviction versus voluntary
18 relocation . . . we're not a legal body, fortunately, so
19 . . .

20 MS. BROWNE: Right, but the problem is that the
21 Mello Act replacing the housing obligation is for a net
22 new unit. You can't just, you know, relocate somebody
23 and subsidize them in another unit which is what we
24 understand has happened.

25 CHAIRMAN MODUGNO: I think that providing that

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1 information to county counsel as they go into that
2 analysis -- I think that's appropriate place for that to
3 occur, because while there may be lawyers sitting up
4 here or a lawyer, we're not here as a court of law to
5 try and render that, and I think it becomes a highly
6 technical question between eviction or relocation.
7 MS. BROWNE: Of course. I just wanted to bring
8 it to your attention since there is a demolition.
9 CHAIRMAN MODUGNO: Great. Thank you very much.
10 COMMISSIONER HELSLEY: I would like to request
11 that it be expanded not just to the county counsel, but
12 to our staff, so that they have that to kind of evaluate
13 data that is going to be presented at a future time.
14 MS. BROWNE: You mean, you'd like that legal
15 analysis on that issue? Is that what you're saying?
16 COMMISSIONER HELSLEY: You had some figures
17 indicating a certain number of . . .
18 MS. BROWNE: No, I don't have -- I don't know
19 the numbers, and I don't know the names. We were just
20 informed that this has taken place, so I would actually
21 . . .
22 CHAIRMAN MODUGNO: It's alleged, then, at this
23 point in time.
24 MS. BROWNE: It was from one of the Board of
25 Supervisor's offices, so I believe the information to be

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1 accurate.
2 CHAIRMAN MODUGNO: Thanks so much.
3 Thank you, sir, go ahead.
4 MR. HABERMAN: Yes, my name is Eugene Haberman.
5 I live at 3676 Via Dolce, and I have several concerns
6 that I'd like to express. One is the air quality on
7 Dell Avenue. Three of the six parking garage entrances
8 planned are on Dell Avenue. That means that half of the
9 2100 projected trips would probably be on Dell Avenue.
10 Dell Avenue is 25 feet from 34 homes on the east side of
11 our complex. On the other side will be a 75-foot
12 building. Where do you think the pollution is going to
13 go? It's going to go into my living room, into my
14 bedroom. And we need to be studied with what will
15 happen to these exhaust emissions and where they will
16 go. I see no indication of that in the EIR, which I
17 have read.
18 The other thing is sewage and trash. Our
19 sewage is pumped by the Venice pumping plant. The
20 Venice pumping plant, according to the DWP, has severe
21 problems when the weather is wet. Sewage overflows into
22 the adjacent streets. They are planning to build a new
23 sewer. The question is, when? How does that sewer plan
24 fit in with the schedule for this complex? If it is not
25 done when they are done, we have a very serious

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1 situation throughout the marina, but especially here.
2 And so somebody has to look at these schedules and see
3 that they coexist, that the infrastructure is there when
4 it's needed. Otherwise we'll have more problems.
5 The Draft EIR also acknowledges the company's
6 running out of space to get rid of its garbage. The EIR
7 doesn't address what will happen when that happens, and
8 it needs to be mitigated.
9 The project is also near methane-gas storage
10 facilities. Gas samples were taken, but only at 5 to
11 10 feet last year, and this is not even as deep as the
12 13 feet that they must dig to build their garages, so
13 somebody needs to take a look at the problem and maybe
14 needs to put in the detection and mitigation devices
15 that are present now in the Playa Vista area, which have
16 been required. Also it's over an area active -- of
17 abandoned petroleum activity which included production
18 wells and storage facilities. California Department of
19 Conservation requires that such wells be plugged or
20 replugged if necessary and an adequate gas tanking
21 system provided. This issue is not adequately addressed
22 in the EIR and must be examined.
23 Finally the issue of shadow -- the builder has
24 said that it is not going to place our residences in
25 shadow; yet Figure 5.5.6 in Volume 2 of the Draft EIR

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1 shows our building in shadow, and it would be in shadow
2 for the first three hours in the morning during the
3 wintertime, which is about half of the light that we
4 receive at that time of the year. And that needs to be
5 examined, that the shadow study needs to be relooked at
6 carefully since their data conflicts. Thank you.
7 CHAIRMAN MODUGNO: Thank you. Any questions?
8 Sir.
9 MR. FINE: Good morning. My name is Richard
10 Fine. I'm the attorney for the Marina Strand Colony II,
11 and I thank you for the opportunity of being here again.
12 I submitted a letter dated February 27th which is part
13 of your package for today.
14 The project manager's responded to my other
15 letter. Unfortunately, that was my January letter.
16 Unfortunately, they neglected to send me a copy of it,
17 so I request time from the commission to be able to
18 respond to that letter. I saw it for the first time
19 yesterday.
20 There are certain things that I would like to
21 deal with here. First of all, we have -- one of the
22 things that has not been addressed at all -- and I've
23 addressed it in my February 27th letter and I'd like to
24 expand on it today -- is the fact that there is a cap of
25 2,420 residential units for the marina under the 1996

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1 LCP. As one of the other speakers has said, at the
2 present time there is 200 -- 2,086 new residential units
3 that are coming online. That does not count the 324 new
4 units of this project. If you have the two of those
5 together, you have 2,410 new units, which is basically
6 10 less than the cap. If you add in the amount of units
7 that occurred from 1996 until the present or those
8 coming online, I think the cap may have been exceeded.
9 Someone has to take a look at that. If the cap has been
10 exceeded, no new development can be occurring in the
11 marina under the LCP. That is one of the things that we
12 have to look at.

13 There's also the issue of motel rooms, and
14 motel rooms, which I deal with that in the letter, and
15 don't have to deal with that here. My other thing on
16 wind impact -- there's the comments on wind impact.
17 Interestingly enough, the LCP requires wind impact to be
18 measured in the berths, the fairways, and in the main
19 channel. Their wind study did not do that.

20 Earthquakes -- there's nothing in the EIR or
21 the Draft EIR that tells what's going to happen when
22 this building falls down under a heavy earthquake and
23 where it's going to go, and when you look at the
24 location of the building, these would be the Marina
25 Strand Colony, if this building falls to the west, it's

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1 coming right down on the Marina Strand Colony. That has
2 to be addressed.

3 Traffic mitigation -- there's two parts to the
4 LCP that deal with traffic mitigation. One of them is
5 that development can't occur unless you have the
6 corresponding phase of road improvements already in.
7 That hasn't occurred. So under that part of the LCP
8 alone, you wouldn't be able to have development taking
9 place even though you have mitigation monies being put
10 in. I suggest that that be looked at.

11 The second thing which is more important is
12 that if the amount of new traffic exceeds 50 percent of
13 the anticipated new traffic under the LCP, you can't
14 have any development unless there has been approach
15 roads that will mitigate the trips have been approved
16 and funded by the appropriate agency, and that has to be
17 looked at because it appears as if that 50 percent has
18 been exceeded. And if that takes place, there isn't any
19 development that's going to be taking place in the
20 marina. And I suggest those things to be looked at
21 because that deals with the overall thing that the
22 regional planning commission is going to be looking at,
23 and that sets up a matrix for what you're going to be
24 doing every project coming down the line.

25 Ten seconds for one last thing. There was

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1 something about economics to the county. Interestingly
2 enough, based upon the figures that were submitted in
3 the paper that was showing the money coming in for
4 affordable housing, in fact, based upon their lease and
5 based upon the value of the property, the County of
6 Los Angeles is getting \$382,601 a year less than what it
7 should be getting, based upon the value of the land. So
8 although the county may be doing a job with respect to
9 the money they're supposed to be getting, you know, from
10 the lessees, the job isn't good enough. They should be
11 getting 8 to 9 percent of their land value, and
12 according to their own statistics, the land value is \$62
13 per acre. This land is worth about \$22 million; they're
14 getting \$1,645,900 a year. They should be getting over
15 \$2 million a year in rent. Any questions?

16 CHAIRMAN MODUGNO: Thank you.

17 COMMISSIONER REW: Mr. Chairman, I have a
18 question. Mr. Fine, you said that the LCP was developed
19 in 1996?

20 MR. FINE: 1996 was the last amendment to the
21 LCP. There is a review that is going on now, and if you
22 read through the different papers, you will notice that
23 the Coastal Commission has conducted its first part of
24 the review. The time for the county to respond -- I
25 believe it's either May 12 or May 18th, 2005 [sic]. If

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1 the county doesn't respond, the Coastal Commission can
2 go forward and put in the legislation that it wants. If
3 the county does respond, then there will be further
4 discussions that are taking place. I refer to that
5 review in my first January letter, and I quote from
6 various parts of it as to what the Coastal Commission
7 thinks of the 1996 LCP. In fact, what happened is that
8 there was never a review of the 1996 LCP from 1996 until
9 2005 when the Coastal Commission conducted or began
10 conducting the review.

11 CHAIRMAN MODUGNO: Let me just clarify. You
12 said the county had until May of 2005. Did you mean May
13 of 2006?

14 MR. FINE: May 2006. They have until May of
15 this year to respond to the 2005 document that came up
16 out from the Coastal Commission.

17 CHAIRMAN MODUGNO: Commissioner Rew, did you
18 have any questions?

19 COMMISSIONER REW: In 1996, then, the Coastal
20 Commission, subject to a review ten years later -- is
21 that what you're saying?

22 MR. FINE: No, what happened, historically what
23 happened, in 1995 the county filed an amendment to its
24 local -- to the LCP. That was a 1995 amendment. Under
25 the Coastal Act, every five years the Coastal Commission

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1 has to conduct a review of the LCP. The Coastal
2 Commission did not conduct that review. It was taken to
3 court by the Coalition to Save the Marina. There was a
4 settlement of that case in which the Coastal Commission
5 agreed to conduct the review. The Coastal Commission
6 took their good natured time in doing that, and finally
7 in the year 2005 they did the review, and that's the
8 2005 review of the 1996 LCP. It really should have
9 occurred back in 2001 if the Coastal Act had been
10 followed.

11 COMMISSIONER REW: All right. In 1996, then,
12 is when this amendment included a cap.

13 MR. FINE: That is correct.

14 COMMISSIONER REW: And the cap was 2,000 . . .

15 MR. FINE: 2,024.

16 COMMISSIONER REW: Now, that's 2,024 --

17 MR. FINE: New.

18 COMMISSIONER REW: -- new.

19 MR. FINE: New residential units.

20 COMMISSIONER REW: New residential units.

21 MR. FINE: That's right. So the way you would
22 measure -- just so we're all on the same plane here --

23 COMMISSIONER REW: All right. Mr. Fine, I'm
24 trying to get someplace, so I'd appreciate brevity. All
25 right. So it had a cap of 2,024 in 1996.

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1 of units that was allowed in Zone 12 was 500 -- I think
2 it's 530 units. That may be off a little bit on that
3 number.

4 COMMISSIONER REW: New units?

5 MR. FINE: New units. So if each zone was
6 apportioned a certain number of new units -- and Zone 12
7 has, I believe, 530 new units -- so this particular
8 project is going to take about 334 of the 530 new units.
9 There's a question as to whether there have been any new
10 units developed from 1996 to the present. The -- I
11 believe that the county believes that there haven't been
12 any new units developed from '96 to the present, so the
13 number of units, the 334 units, would fall within the
14 cap for Zone 12 if that is true. One of the issues that
15 we raised is to have that researched to make sure that
16 is, in fact, the situation.

17 However, the total cap for the marina, the
18 entire marina, is 2,024 units, so if the total cap is
19 exceeded, development in the marina is stopped under the
20 1996 amendment. So what you have is, you have caps
21 within the 12 zones, and then you have a total cap. --
22 within the entire marina. If a cap is exceeded within
23 the zone, you can't have any more development. If the
24 cap is exceeded within the marina, you can't have any
25 more development.

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1 MR. FINE: Right.

2 COMMISSIONER REW: All right. Do you know
3 when, if there was an amendment at all, of the 255 feet
4 height limit -- 215 feet --

5 MR. FINE: 225.

6 COMMISSIONER REW: 225. 225.

7 MR. FINE: The 225 height limit came in in
8 1996.

9 COMMISSIONER REW: In 1996. So if someone in
10 1996 said, we're only going to allow 2,024 more new
11 units, but you can go up to 225 feet.

12 MR. FINE: Well, what happened, it's partially
13 correct. What took place in 1996, they divided the
14 marina down into 12 zones, and they gave it a height
15 limit in different zones. As it turns out, the zone
16 where this particular project is located has a 225-foot
17 height limit. Other zones have other height limits.
18 Some are 45 feet; some are 55 feet. This particular
19 zone that we are dealing with here is 225 feet. That
20 limit was established as part of Zone 12 in 1996.

21 COMMISSIONER REW: In other words, someone in
22 Zone 12, if they were quick enough, they could build the
23 225 feet and probably take care of the 2,000 units.

24 MR. FINE: But that -- no -- interestingly
25 enough, no, there's one amendment to that. The number

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1 The short answer to your question is, the first
2 person in the zone to go in and get all the residential
3 units, wins. And in fact, the LCP refers to that. They
4 really sort of say, it's a first-come, first-serve type
5 of thing. First one in gets to use as many units as
6 there are available.

7 COMMISSIONER REW: Thank you.

8 COMMISSIONER HELSLEY: Mr. Chair.

9 CHAIRMAN MODUGNO: Commissioner Helsley.

10 COMMISSIONER HELSLEY: There has been some
11 statement, and I think you alluded to it also, that
12 there was a new development projection of 2,410.

13 MR. FINE: The 2,410 -- that is what I put
14 together when I was sitting here by taking the 2,086 new
15 apartments that was referred to by the earlier -- I
16 believe it was the first person that testified, and that
17 did not include the 324 units of this project. I added
18 it. (Interruption from the audience.) It did? Okay.
19 I'm sorry. If it did include that, then we're dealing
20 at 2,086. I revise my statement.

21 With 2,086 new units coming on, we now look to
22 see how many units were developed from 1996 until the
23 time that the county came out with this set of new
24 things that are presently being developed. And if, in
25 fact, you had somewhere in the vicinity of almost 400 --

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1 or actually about 300-and-some-odd units that were
2 developed from '96 to the present, the cap would be
3 exceeded.

4 COMMISSIONER HELSLEY: The person that is going
5 to maintain that record, is that . . .

6 MR. FINE: Interestingly enough, that becomes a
7 very interesting question. The person that should be
8 maintaining that record would be the Department of
9 Beaches and Harbors which should have the record of
10 every permit that was issued from 1996 through the
11 present and would also have the record of every
12 application that is coming in for new development. And
13 I would expect that if somebody went to them and asked
14 them what development has occurred from 1996 onward,
15 both permits that were granted and permits and
16 applications that are in process, we should be able to
17 get a breakdown in two categories: One, permits that
18 were granted, and then the second one would be
19 applications that are in process. And that would be
20 helpful to you in two ways: One, permits that were
21 granted would give you the base; applications that are
22 in process would be able to give you the overview of
23 what projects you are facing, vis-a-vis the cap, meaning
24 this project and every other project that is coming up
25 the line. Because as you're going to be looking at

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1 resident at 3852 Via Dolce. I have lived in the marina
2 since 1970, and it is horrifying to me what has happened
3 to us. However, I still love it, and I hope that you
4 will help us keep it the way it is. Thank you.

5 CHAIRMAN MODUGNO: Thank you.

6 MS. GAERTNER: My name is Barbara Gaertner, and
7 I live at 3722 Via Dolce, and I'm here to lend my
8 support to the people at the Marina Strand Colony. I
9 agree with what they have said and to register my name
10 on your list here. Thank you.

11 CHAIRMAN MODUGNO: Thank you.

12 MS. MOLINA: Good morning. My name is Margaret
13 Molina, and I'm a home owner at 3862 Via Dolce, at the
14 Marina Strand Colonies II. And I have submitted a
15 letter to you prior to this, voicing my concerns which
16 basically boil down to the fact that this project is
17 entirely too big. The traffic is already a problem
18 24/7. People will tell you, it's gridlocked. Anytime
19 after lunchtime, I would say, when people come into the
20 restaurants and so on, it's gridlocked, and it's only
21 going to get worse.

22 I'm also concerned regarding air pollution
23 which is the main reason I chose to live in the marina.
24 I have breathing problems, and so I need to be and have
25 fresh air, and this air pollution is now coming to the

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1 this, you will be looking at the total effects on the
2 marina, rather than being in my office and saying what
3 one is coming in now and what one is coming in later.

4 In fact, to take a step further --

5 CHAIRMAN MODUGNO: Mr. Fine, I'm going to stop
6 you because we've sort of exhausted this discussion, and
7 we'll leave it to staff to work out those numbers with
8 Beaches and Harbors, and Beaches and Harbors will either
9 accept the numbers, or they certainly have the
10 prerogative of going forth and asking for an amendment
11 to change that. But thank you for your testimony.

12 Ma'am.

13 MR. FINE: Further questions?

14 CHAIRMAN MODUGNO: No.

15 MR. FINE: Thank you very much.

16 CHAIRMAN MODUGNO: You're welcome.

17 MS. HABERMAN: Good morning. My name is
18 Barbara Haberman. I live at 3676 Via Dolce, and I am
19 here to lend my support to the speakers about Marina
20 Strand II. I agree with all the statements that they
21 made and the impact it will have in our area. Thank
22 you.

23 CHAIRMAN MODUGNO: Thank you.

24 Ma'am.

25 MS. MUREZ: My name is Libbe Murez. I'm also a

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1 marina, and that's my main concern. Thank you.

2 CHAIRMAN MODUGNO: Thank you.

3 Ma'am.

4 MS. SCHAFER: Oh, thank you. My name is Judy
5 Schafer. I live at 3516 Via Dolce, and I just wanted to
6 state my support of the previous speakers, and I'd like
7 you to know I personally am not opposed to development.
8 I think it's needed in the marina. I just don't think
9 it needs to be quite as large as it is. Thank you.

10 CHAIRMAN MODUGNO: Thank you.

11 Sir.

12 MR. MERCADO: Hello, my name is Luis Mercado.
13 I live at 3866 Via Dolce, and I am just here to support
14 the Marina Strand -- my fellow neighbors, and I would
15 like to see the marina stay the same way it is. That's
16 the reason I moved into the area several years ago.
17 Thank you.

18 MR. PARRISH: Hello. My name is Abe Parrish
19 (phonetic). I live at 3826 Via Dolce. I'm also opposed
20 to any more high density or anything that contributes to
21 mass density in the marina. I would like to see it the
22 way it is. I believe there's ways of accomplishing what
23 the developer wants to do and what the county needs as
24 income by more elaborate apartments, not more
25 apartments, but nicer apartments, something that will

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1 meet the market and still provide for the low-cost
2 housing. Thank you.

3 CHAIRMAN MODUGNO: Thank you.
4 Sir.

5 MR. MINTZ: Good morning. My name is Donald
6 Mintz. I live at 3766 Via Dolce, Marina del Rey, and I
7 am here to support the speakers that have made their
8 points to this commission.

9 CHAIRMAN MODUGNO: Let me just stop at that
10 point because we've had a whole series of you just pop
11 up and all you're saying is you're supporting the
12 previous speakers. By show of hands, how many of you
13 are here with the same comments? Thanks.

14 Let me stop it there. If there's anyone who's
15 here who has not been heard who has something new to say
16 other than I support previous speakers or just
17 philosophically oppose this or there's traffic or
18 there's congestion or I want to keep it just as it is,
19 we would like to hear new information. So if any of you
20 have not spoken, but please, don't just come up and say,
21 gee, I support the last person because it's redundant
22 testimony, and our poor stenographer's fingers are
23 getting tired just saying I support the previous
24 speakers.

25 COMMISSIONER REW: And Mr. Chairman, if so,
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1 complexion of the marina by allowing it to become
2 Florida or high-rise in a beautiful part of the country.
3 And I think that should be considered -- not only how
4 many more dollars the taxes will bring in and how many
5 more people can live here, but we want to live here
6 because it's quiet. It's fresh air. It's not hubbub,
7 and we're losing all of it. Thank you.

8 CHAIRMAN MODUGNO: Thank you. Anyone else who
9 wants to address us this morning? All right. Having --
10 because we said we would go to 11:45, I'm going to
11 allow, then, the applicant ten minutes of rebuttal.

12 Again, if you'd just state your name.

13 MR. GOLDSMITH: Once again, Dale Goldsmith,
14 Armbruster and Goldsmith, 10940 Wilshire Boulevard,
15 Los Angeles. I'll try to move rather quickly. Most of
16 the issues that were raised today, I've already
17 addressed in my letter or were addressed in the
18 supplemental information from Impact Sciences, but I
19 will try to touch on briefly everything I heard today.

20 With respect to the affordable issue as stated
21 before, we will review the information submitted by the
22 various affordable housing advocates and work with staff
23 to prepare a response.

24 Regarding the impacts of cumulative growth, the
25 EIR addresses that in detail. It's important to

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1 when we take our break, they can come and sign in so
2 that their name is part of the record.

3 MR. HOLIDAY: Mr. Chairman, my name is Bruce
4 Holiday. I'm a resident of Marina del Rey.

5 CHAIRMAN MODUGNO: Would you sign the slip over
6 so the other lady can sign -- no, go ahead and speak,
7 and she can sign.

8 MR. HOLIDAY: My concern is besides supporting
9 the group is that I feel that the commission has not
10 addressed all the legal issues that have been brought up
11 today, and that I ask that this situation be postponed
12 until the Coastal Commission Act is reviewed and that
13 this project be abandoned and not go any further until
14 we have the legalities formed so that the planning
15 commission can do it its proper procedure and that we
16 don't get into a legal situation which will be costly to
17 the home owners, to the developer, and also to the city
18 and the County of Los Angeles. Thank you.

19 CHAIRMAN MODUGNO: Thanks.

20 MS. DAVIS: My name is Sara Davis. I've lived
21 in the marina for 25 years, and I think that -- to have
22 a different take on some of the things that were said,
23 and I think that what's happening in the marina is
24 they're -- they, the people in control, basically are
25 ready to kill the goose that you're changing the entire

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1 understand that this project and the other pending
2 related projects are pursuant to the LCP which was
3 adopted after a lengthy public process. That LCP
4 establishes an overall trip cap of 2,750 p.m. peak-hour
5 trips. The project and the cumulative growth only
6 amounts to 681 p.m. peak-hour trips, or less than
7 25 percent of what would be allowed. It's important
8 also to remember that the LCP establishes a series of
9 mitigation measures. This project and the other
10 projects will be assessed a trip fee of almost \$6,000
11 per p.m. peak-hour trip. It will be used to build the
12 infrastructure designed to accommodate additional
13 traffic flows. Again, I want to stress that the project
14 is consistent with the LCP. The LCP would allow 624
15 total units. We're approximately 13 percent less.

16 Regarding parking, the project will provide
17 code-compliant parking. It will represent an
18 improvement of the existing apartment project which
19 provides approximately 1.7 spaces per unit. The project
20 will provide 2 spaces per unit including adequate guest
21 parking, so we think that the postproject conditions on
22 the street will be better because it is providing more
23 parking. With respect to tandem parking, it is the
24 industry standard, and for our parking management plan,
25 we will assure that there will be no adverse impacts.

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1 Regarding the suggestion that the project be
2 rehabilitated, the EIR did conclude -- did consider a
3 rehabilitation alternative and concluded that it was not
4 feasible for a variety of issues. In addition, taller
5 buildings, for the reasons set forth before, changing
6 construction type creates economic issues, and we
7 believe that this project is the right project, the
8 financially viable project, and the LCP-consistent
9 project for this location.

10 Regarding trip distribution the distribution
11 assumptions were reviewed and approved by the county
12 technical staff.

13 Regarding Dell Avenue, the traffic consultant
14 concluded that there would only be approximately 200 to
15 215 average daily trips on that roadway, private roadway
16 which is lightly traveled, and only 14 a.m. and 20 p.m.
17 peak-hour trips.

18 The driveways were adequately analyzed for
19 safety issues, so the concerns regarding safety, we
20 believe, were misplaced.

21 Regarding air quality, it's important to keep
22 in mind that the air quality criteria in the EIR are
23 designed to allow the region -- the regional standards
24 designed to allow the region achieve long-term air
25 quality goals. They're not a barometer of specific

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1 health impacts, and the fact that a project may exceed
2 their criteria of pollutant does not mean that there is
3 going to be negative health impacts to surrounding land
4 uses. A better barometer of that would be the so-called
5 CO or carbon monoxide hot-spot analysis, and the EIR
6 shows that the CO impacts from the proposed project and
7 cumulative development are well below the state and
8 federal one- and eight-hour standards.

9 With respect to excavation and hauling, all
10 hauling and excavation will be done in strict compliance
11 with county codes, and that will assure that there be no
12 adverse impacts.

13 With respect to sewage and trash, the EIR
14 includes a detailed sewer capacity analysis which
15 includes cumulative sewer impacts. Both the city and
16 the county have agreed that there's adequate sewer
17 capacity, and we don't believe that there will be any
18 impacts.

19 Regarding trash, the EIR does conservatively
20 conclude that there is significant impact after 2017
21 because after 2017 capacity could be exceeded, but we're
22 confident that there will be a regional solution in
23 place long before that time. But again, to be
24 conservative we have identified as significant impact.

25 With respect to methane gas, the EIR includes a

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1 detailed investigation which shows that there are no
2 detectable amounts or no actionable amounts of gas or
3 pollution in the soil. Nonetheless, there is a
4 mitigation measure to address potential methane issues.

5 I already touched on shade and shadow and won't
6 say anything more except that there will not be a
7 significant shade and shadow impact.

8 Regarding earthquake and seismic safety, the
9 project will be built in accordance with the strict
10 seismic safety standards. It will be safer than the
11 existing apartments on the side and, indeed, safer than
12 the condominium project located across the alley in the
13 city of Los Angeles.

14 Finally, with respect to the LCP review
15 process, it is a lengthy and (unintelligible) process.
16 The only thing that has happened so far is that the
17 staff of the commission has issued a staff report. That
18 staff report contains some recommendations, but it has
19 not been formally acted upon by the Coastal Commission.
20 After the formal Coastal Commission action, then
21 there'll be an opportunity for the county to respond, ...
22 and if the county doesn't respond the way the commission
23 likes, the potential petition to the state legislature.
24 There's nothing in the Coastal Act or the LCP that says
25 that development must freeze, that there's a moratorium

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1 until this process ends.

2 And that's all I have technically.

3 CHAIRMAN MODUGNO: Thank you. You know, let me
4 stop there. Thank you for a wonderful, abbreviated
5 summary. It seems as if you were keeping up with every
6 comment and addressed them very quickly. I just was
7 somewhat amazed at your attentiveness. It was almost
8 like an abbreviated Reader's Digest version, but -- and
9 I don't know if you spoke too fast for our reporter, but
10 she sometimes gets a little bit behind when somebody is
11 speaking very rapidly, but ...

12 MR. GOLDSMITH: I was trying to cover a lot of
13 ground. I apologize.

14 CHAIRMAN MODUGNO: What about tsunamis, global
15 warming, and the melting of the glaciers of Greenland?

16 MR. GOLDSMITH: They're addressed in the EIR,
17 Commissioner.

18 CHAIRMAN MODUGNO: Okay. Thank you.

19 COMMISSIONER HELSLEY: The rise of the sea
20 level to 22 feet.

21 CHAIRMAN MODUGNO: Sir.

22 COMMISSIONER HELSLEY: Mr. Chairman, before we
23 leave it, I did not hear any comment in relation to
24 total number of expanded units within the area and
25 whether or not this project is going to exceed that

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1 number of units.

2 CHAIRMAN MODUGNO: Actually I thought he did
3 hit it real quickly.

4 MR. LEVINE: My name is David Levine. I spoke
5 earlier. I'm the chief of staff for Mr. Jerry Epstein,
6 the lessee in question here. To address your question,
7 the counsel for our opponents is absolutely correct.
8 The development Zone 12 permits additional 530 units in
9 this development zone, and we're only proposing the
10 first additional 300-some-odd units in this development
11 zone, so we are well below, substantially below the cap
12 on the development zone, number one. And number two we
13 are still well below the 50 percent cap for marina-wide
14 development in general before a number of the scenarios
15 that he described would come into play.

16 So I can assure you that all of these questions
17 are addressed in full in the Environmental Impact
18 Report, that your staff is well aware of maintaining a
19 record of exactly the development potential in Marina
20 del Rey, and where we are in this line, and I can assure
21 you that we are well within the parameters of the
22 permissible development at this time.

23 CHAIRMAN MODUGNO: All right. That was an
24 answer to a question in 4 minutes and 31 seconds.

25 MR. LEVINE: Okay. Well, I just briefly want

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1 reassuring you that no one has been evicted from Del Rey
2 Shores under any circumstances. We've complied with the
3 law. We will comply with the law in the future, and we
4 look forward to bringing to you a proposal that
5 addresses the concerns in the same diligent manner that,
6 I believe, we have addressed all of the land-use
7 questions before you.

8 CHAIRMAN MODUGNO: Thank you.

9 As I complimented Mr. Goldsmith, I would just
10 like to compliment the people who came with prepared
11 remarks and those who spoke from their hearts in terms
12 of providing your concerns for the area. And it
13 certainly is a gem of Los Angeles County, and it's one
14 that this commission wholeheartedly wants to protect and
15 preserve and work towards its betterment. So
16 compliments on both sides of the aisle.

17 Other discussion or questions, comments?

18 COMMISSIONER REW: Mr. Chairman, if there is no
19 other discussion, I would like to check with
20 Dr. Fricano. How much time do you need? Staff is
21 recommending a continuance.

22 DR. FRICANO: One suggestion has been ~~made~~ with
23 March 15th. I wanted to confirm that with Mr. Meneses.

24 MR. MENESES: Yes, that's the date that we had
25 in mind, March 15th.

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1 to thank all of you for your attention. This project is
2 being promoted, if you will, by the developer who is the
3 last remaining, original developer in Marina del Rey.
4 We love Marina del Rey. We've been a part of Marina del
5 Rey for over 40 years. We're long-term holders. We
6 anticipate being in the marina for decades to come.
7 We've been extremely diligent throughout the last 15
8 years of planning for this project, to look forward
9 within the parameters of the certified LCP, to conform
10 to every federal and state and local regulation,
11 ordinance, and guideline to present to you a project
12 that we believe is the best project, that enhances the
13 community. It provides a variety of public benefits,
14 and we are -- just would thank you for your attention to
15 detail and for your consideration.

16 Just one last note on the question of
17 affordable housing -- I just want to reiterate the fact
18 that, as you've heard on every other issue, this
19 developer feels a keen sense of responsibility to the
20 community. They've been a partner of the County of
21 Los Angeles for a long time. We are being extremely
22 diligent in addressing this issue. We appreciate your
23 continuance, short-term continuance, to try to work
24 towards a positive resolution of this problem.

25 But I just cannot leave here today without

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1 COMMISSIONER VALADEZ: I will not be available
2 on March 15th.

3 CHAIRMAN MODUGNO: Okay. And the
4 recommendation would be to keep the public hearing open,
5 is that correct, not close it at this point?

6 MR. HAFETZ: If I can address that point while
7 Mr. Meneses is looking at the calendar. Certainly it's
8 within your discretion to -- I don't think an entire
9 closing of the public hearing would be appropriate in
10 that we are still going to be working with information
11 regarding low-income housing. We could limit the public
12 hearing at the future date to that issue, but that's
13 within your discretion. If you think there's some
14 tie-over and that wouldn't be appropriate, there may be
15 other issues that sort of tie with the low-income
16 housing, that again would be in your discretion.

17 In the past we have limited a subsequent
18 hearing to a sole issue. Again, that's something that
19 your commission could consider. If we don't go as far
20 as limiting it, specifically we could advise the
21 people, that's really what we're looking at. Anyone who
22 would come to the next hearing, really the only sole
23 issue that we're thinking through at this point is this
24 low-income-housing issue. Again, that's within your
25 discretion. I'm just setting the options for you to

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1 consider.
2 CHAIRMAN MODUGNO: Well, I don't want to -- if
3 we do close the hearing, other than for that purpose --
4 and I'm not sure that's what we want to do. I certainly
5 don't want to give the impression to the people who
6 testified this morning that have concerns that those
7 concerns would not be considered -- as if this project
8 is approved, that their concerns are not going to be
9 addressed in future discussion amongst this body, that
10 their concerns are not going to be addressed as far as
11 if it is approved, any conditions of that approval
12 because there were a number of areas that were raised,
13 traffic being one, obviously, parking, the traffic flow.
14 I think there were several things that were
15 raised that I'm not concluding that we're taking the
16 position, either provided by the applicant even though
17 they've done rebuttal, or provided by the residents that
18 have concerns. So to say that we close the public
19 hearing doesn't mean that we agree to everything that
20 has been said because we have not yet vetted all of
21 those other discussion points.
22 COMMISSIONER VALADEZ: Mr. Chair, I think the
23 idea might be, not that we're closing the public
24 hearing, but rather what we would normally do would just
25 indicate that we're going to be -- we took testimony

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1 for this to be looked at? I think we should go into
2 April, to be honest. I just would hate to come back
3 again only to have staff recommend again that we go out
4 again. A month is not an unusually long period of time
5 for an extension, but yet it's enough time, I think,
6 that we can get -- enough for staff to meet and for
7 everything to get handled and have it come back to us
8 complete.
9 MR. MENESES: I was just told by Mr. Hafetz
10 that he won't be here, but I'm sure that there'll be
11 somebody filling in for him.
12 CHAIRMAN MODUGNO: Are we talking about the
13 12th or the 19th?
14 MR. MENESES: On the 12th, yes.
15 CHAIRMAN MODUGNO: All right. Commissioner
16 Rew.
17 MR. MENESES: Or if you want to go with the
18 19th, there's only one case on that day.
19 COMMISSIONER REW: The 19th is acceptable.
20 MR. MENESES: I'm sorry. There's two cases on
21 that day.
22 CHAIRMAN MODUGNO: Okay.
23 COMMISSIONER VALADEZ: They're both mine.
24 COMMISSIONER REW: All right. In order to
25 provide additional time to consider the issues that were

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1 today with respect to everything.
2 CHAIRMAN MODUGNO: Everything.
3 COMMISSIONER VALADEZ: Okay. There's only one
4 issue which staff has asked us to carry over, and I
5 think all we'd be saying is that we're going to keep the
6 public hearing open; however, testimony will be limited
7 to the open issue, which would be the affordable-housing
8 issue, and then when we go into our discussion, we will
9 take all of the issues, including all of the issues that
10 were raised today and the affordable housing data.
11 CHAIRMAN MODUGNO: Yeah, I think that's
12 appropriate.
13 COMMISSIONER REW: Do you have a date, Mr.
14 Meneses?
15 MR. MENESES: Yes, the most available date from
16 what I can see, considering other projects that you have
17 scheduled, April 12th would probably -- we could set it
18 in. It appears to be a light agenda, and there's also
19 April 19th.
20 CHAIRMAN MODUGNO: Is there a planning date at
21 the end of March?
22 MR. MENESES: There's a planning day on the
23 22nd of March. That's when you're hearing the density
24 bonus proposed ordinance.
25 COMMISSIONER VALADEZ: Is that sufficient time

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1 presented at this public hearing, I move that the
2 planning commission continue the public hearing for
3 Project Number R2005-00234 in the 4th District, the
4 Coastal Development Permit Number 2005-00002, and
5 Parking Permit Number 2005-0004, and Variance Number
6 2005-0004 to April the 12th, 2006 --
7 CHAIRMAN MODUGNO: 19th.
8 COMMISSIONER REW: Excuse me -- April the
9 19th -- thank you, April the 19th, 2006, to be held at
10 9:00 a.m. in the regional planning commission hearing
11 room at this location.
12 COMMISSIONER HELSLEY: Second.
13 CHAIRMAN MODUGNO: We have a motion and second.
14 Was that limiting the discussion or keeping it fully?
15 COMMISSIONER REW: I think the minutes or the
16 record will indicate what was decided about. In other
17 words --
18 COMMISSIONER VALADEZ: The record will reflect
19 my statement with respect to not closing the public
20 hearing and keeping it open for purposes of affordable
21 housing issues.
22 COMMISSIONER REW: Yes, I agree. The motion
23 will include Commissioner Valadez's statement.
24 MR. MENESES: Limiting the testimony to the
25 affordable housing issue?

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1 COMMISSIONER VALADEZ: Yes, but that --
2 COMMISSIONER REW: But that all issues --
3 COMMISSIONER VALADEZ: But that all issues will
4 be discussed including issues raised at this particular
5 hearing when the commission comes back.
6 CHAIRMAN MODUGNO: And is that acceptable to
7 the maker of the second?
8 COMMISSIONER REW: Yes.
9 CHAIRMAN MODUGNO: I'm sorry, not the motion,
10 but the seconder.
11 COMMISSIONER HELSLEY: I would like to see it
12 just left open, and we then can control what the
13 discussion is rather than taking that limit.
14 CHAIRMAN MODUGNO: Since the second was
15 modified, would someone like to second Commissioner
16 Rew's?
17 COMMISSIONER BELLAMY: I will second
18 Commissioner Rew's motion including Commissioner
19 Valadez' limitation.
20 CHAIRMAN MODUGNO: Okay. Again the limitation
21 of discussion is only at public hearing. Since the
22 hearing is open, matters of any concerns can still be
23 provided in writing to staff up until that point, and
24 part of the public record.
25 Have a motion and second --

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1 COMMISSIONER REW: Mr. Chairman, looking at
2 what we got today -- not delivered the day of the
3 meeting.
4 CHAIRMAN MODUGNO: No. Okay.
5 All right. Have a motion and a second to
6 continue this item and limit the discussion to continued
7 public hearing on April 19th to matters of affordable
8 housing. All those in favor, say aye.
9 COMMISSIONERS: Aye (Bellamy, Modugno, Rew,
10 Valadez).
11 CHAIRMAN MODUGNO: Opposed?
12 COMMISSIONER HELSLEY: No.
13 CHAIRMAN MODUGNO: So the motion is approved,
14 four to one. Thank you all for your attendance and
15 participation. We're going to take a 15-minute recess,
16 and we will reconvene at 12:00 noon.
17 (Brief recess was taken.)
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